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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELI BRYSON,

Petitioner,

No. CIV S-08-1993 GEB GGH P

vs.

LARRY SMALL,

Respondent.

ORDER TO SHOW CAUSE

_____ /

Petitioner is a state prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On November 4, 2008, respondent filed a motion to dismiss. Petitioner has not filed an opposition to the motion. Local Rule 78-230(m) provides in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion" Good cause appearing, IT IS HEREBY ORDERED that petitioner show cause, within twenty days, why respondent's November 4, 2008, motion to dismiss should not be granted.

DATED: January 22, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:035
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