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

10 DANNY GARCIA,

11 Petitioner,

No. CIV S-08-3099 GEB EFB P

12 vs.

13 MICHAEL MARTEL, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28
17 U.S.C. § 2254. On May 22, 2009, respondent filed a motion to dismiss on the ground that the
18 petition was filed beyond the one-year statute of limitations. Since then, petitioner has filed two
19 documents styled “motion to dismiss,” and two letters regarding the history of his case, which
20 appear to be identical. Petitioner has not filed, and the court is unable to construe any of
21 petitioner’s filings, as an opposition or a statement of no opposition to respondent’s motion to
22 dismiss.

23 A responding party’s failure “to file written opposition or to file a statement of no
24 opposition may be deemed a waiver of any opposition to the granting of the motion and may
25 result in the imposition of sanctions.” L. R. 78-230(m). Failure to comply with any order or
26 with the Local Rules “may be grounds for imposition of any and all sanctions authorized by

1 statute or Rule or within the inherent power of the Court.” L. R. 11-110. The court may
2 recommend this action be dismissed with or without prejudice, as appropriate, if plaintiff
3 disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir.
4 1992) (district court did not abuse discretion in dismissing *pro se* plaintiff’s complaint for failing
5 to obey an order to re-file
6 an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856
7 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff’s failure to comply with local
8 rule regarding notice of change of address affirmed).

9 Accordingly, it is hereby ORDERED that, within 30 days of the date of this order,
10 petitioner shall file either an opposition to the motion to dismiss or a statement of no opposition.
11 Failure to comply with this order will result in a recommendation that this action be dismissed
12 without prejudice. It is further ORDERED that the Clerk of the Court terminate docket numbers
13 23 and 25, as they do not request any form of relief from the court.

14 Dated: August 31, 2009.

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16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE
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