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

RAVIND ROUSHAN DEO,

Petitioner,

No. CIV S-08-3145 FCD DAD P

vs.

M. MARTEL, Warden,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 29, 2009, petitioner filed a motion for clarification of the court’s June 16, 2009 order to show cause.

Petitioner is advised that, on May 7, 2009, respondent filed a motion to dismiss his petition for failure to exhaust state court remedies. 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” If petitioner does not want the court to dismiss his petition, he should file an opposition to respondent’s motion, explaining why the court should not dismiss his petition.

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Accordingly, IT IS HEREBY ORDERED that:

1. The court's June 16, 2009 order to show cause is discharged;
2. Petitioner's June 29, 2009 motion for clarification (Doc. No. 17) is granted;

and

3. Within thirty days of the date of service of this order, petitioner shall file and serve an opposition to respondent's motion to dismiss.

DATED: July 14, 2009.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
deo3145.102(2)