

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

ARQUIMEDES MENDOZA,

Petitioner,

No. CIV S-09-1710 MCE DAD P

vs.

MATTHEW CATE,

Respondent.

ORDER TO SHOW CAUSE

_____ /

Petitioner, currently a federal prisoner, is proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a judgement of conviction entered against him in 2004 in the San Joaquin County Superior Court. On November 3, 2010, respondent filed a motion to dismiss the petition as untimely under the applicable one-year statute of limitations. Petitioner has not filed an opposition to the motion. Local Rule 230(l) 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 in writing, within twenty-one days, why respondent's November 3, 2010 motion to dismiss should

////

1 not be granted. Petitioner's failure to respond to this order will result in the imposition of
2 sanctions, including the possible dismissal of this habeas action.

3 DATED: December 13, 2010.

4
5 
6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:4
8 mend1710.osc

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26