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

HUNG DUONG NGUON,

Petitioner,

No. CIV S-09-2975 GEB CKD P

vs.

KATHLEEN L. DICKINSON,

Respondent.

FINDINGS & RECOMMENDATIONS

_____ /

By order dated June 28, 2011, petitioner was ordered to file either an opposition to respondent’s pending motion to dismiss, or a statement of non-opposition, within thirty days. The thirty-day period has now expired, and petitioner has not filed an opposition to the motion or otherwise responded to the court’s order.

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” Further, Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

“Failure to follow a district court’s local rules is a proper ground for dismissal.” Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Pro se litigants are bound by the rules of

1 procedure, even though pleadings are liberally construed in their favor. King v. Atiyeh, 814 F.2d
2 565, 567 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362, 1364-65 (9th Cir.1986) .

3 Accordingly, IT IS HEREBY RECOMMENDED that:

4 1. Respondent's motion to dismiss (Dkt. No. #18) be granted;

5 2. Petitioner's application for a writ of habeas corpus (Dkt. No. #1) be dismissed;

6 and

7 3. The Clerk of Court shall close the file.

8 These findings and recommendations are submitted to the United States District
9 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
10 one days after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." In his objections petitioner
13 may address whether a certificate of appealability should issue in the event he files an appeal of
14 the judgment in this case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district
15 court must issue or deny a certificate of appealability when it enters a final order adverse to the
16 applicant). Any reply to the objections shall be served and filed within fourteen days after
17 service of the objections. The parties are advised that failure to file objections within the
18 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
19 F.2d 1153 (9th Cir. 1991).

20 Dated: August 10, 2011

21 
22 CAROLYN K. DELANEY
23 UNITED STATES MAGISTRATE JUDGE

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