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

TIMOTHY JOE OSBORNE,

Petitioner,

No. 2:09-cv-3594 FCD KJN P

vs.

MATTHEW CATE,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner proceeding without counsel with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 2, 2010, respondent filed a motion to dismiss this action pursuant to Rule 4 of the Rules Governing § 2254 Cases. Petitioner has not filed an opposition to the motion and the time for doing so has expired. Local Rule 230(I) 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 shall show cause in writing, within twenty-one days, why his failure to oppose respondent’s July 2, 2010 motion to dismiss should not be deemed a waiver of any opposition to the granting of the motion, and shall file such opposition. Failure to respond to this order, or to file an opposition to the

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1 pending motion to dismiss, will result in a recommendation that this action be dismissed.


2 SO ORDERED.

3 DATED: November 4, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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