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

WAYLON PITCHFORD,

Petitioner,

No. 2:10-cv-0094-JFM (HC)

vs.

GARY SWARTHOUT,

Respondent.

ORDER

_____/

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action is proceeding before the undersigned with the consent of the parties pursuant to 28 U.S.C. § 636(c). See Consents to Jurisdiction by United States Magistrate Judge filed February 2, 2010 and April 13, 2010. On May 14, 2010, respondent filed a motion to dismiss this action as barred by the statute of limitations. On May 17, 2010, petitioner was served with a notice setting a briefing schedule on the motion, pursuant to which his opposition to the motion, if any, was due within twenty-one days. Petitioner has not opposed the motion.

Petitioner is hereby advised that 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” Petitioner is further

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

4 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the
5 date of this order, plaintiff shall file an opposition, if any he has, to the motion to dismiss or a
6 statement of non-opposition. Failure to comply with this order will result in dismissal of this
7 action.

8 DATED: June 28, 2010.

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11 UNITED STATES MAGISTRATE JUDGE

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