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

LARRY AUGUSTUS GARDNER,

Petitioner,

No. 2:10-CV-0142-WBS-JFM (HC)

vs.

MIKE McDONAL,

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. On April 2, 2010, respondent filed a motion to dismiss pursuant to Rule 4 of the Rules Governing § 2254 Cases in the United States District Courts, contending that petitioner has failed to state a cognizable federal claim for relief. On April 5, 2010, a notice was issued setting a briefing schedule on the motion, pursuant to which petitioner’s opposition to the motion was due on or before April 26, 2010. Petitioner has not opposed 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” 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

1 within the inherent power of the Court.” Petitioner is hereby advised that failure to file an
2 opposition to the motion, and failure to comply with the Local Rules may result in a
3 recommendation that this action be dismissed.

4 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the
5 date of this order, petitioner 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 a recommendation
7 that this action be dismissed.

8 DATED: May 11, 2010.

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11 UNITED STATES MAGISTRATE JUDGE

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