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

DARRYL A. SCHLAPPI,

Petitioner,

No. CIV S-10-0486 GEB CMK (TEMP) P

vs.

S.M. SALINAS,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a former state prisoner who, while still incarcerated, filed a petition for writ of habeas corpus challenging the Board of Parole Hearings' decision to deny him parole in 2008. On September 23, 2010, respondent filed a motion to dismiss, to which petitioner has filed no opposition or otherwise responded. Respondent has since noticed the court that petitioner was found suitable for parole in a 2010 hearing and was released on July 26, 2010. See Docket No. 12. Petitioner's failure to oppose the motion to dismiss and the fact of his release requires him to show cause why this action should not be dismissed. He will have fourteen days from the entry of this order to do so.

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Accordingly, IT IS HEREBY ORDERED that petitioner has fourteen days from the entry of this order in which to show cause why this action should not be dismissed.

DATED: January 13, 2011

  
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**CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE

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