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

ELIN NAPOLEON,

Petitioner,

No. CIV S-10-0940 GGH P

vs.

RICHARD B. YVES,

Respondent.

ORDER

_____ /

Petitioner is a federal prisoner proceeding pro se with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2241. An order, filed on November 22, 2010, directed petitioner to show cause why respondent’s September 24, 2010 motion to dismiss should not be granted in light of petitioner’s having failed to file any opposition to the motion and cautioning him 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” The order was re-served based on petitioner’s filing of a notice of a change of address on December 9, 2010. On December 27, 2010, petitioner filed a response indicating that he was never served with the pending motion but that he is in adamant opposition to dismissal of his case. Petitioner states that he has been in the holdover unit at the federal penitentiary in Victorville “on transfer” since October 19, 2010.

1 Local Rule 183(b) requires that a party appearing in propria persona (i.e., one
2 proceeding pro se) keep the court and opposing parties advised of his current address. The court
3 will order respondent to re-serve petitioner with the motion to dismiss, but petitioner must keep
4 the court and respondent advised of upcoming changes of address as soon as they occur.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Respondent re-serve the motion to dismiss filed on September 24, 2010, at
7 docket # 13, upon petitioner as follows within five days:

8 Elin Napoleon
9 70941-004
10 USP Victorville Holdover
11 P.O. Box 5300
12 Adelanto, CA 92301

13 2. Petitioner is to file his opposition within twenty-eight days thereafter; after
14 which respondent will have seven days to file any reply;

15 3. Should petitioner once again fail to receive a copy of the motion to dismiss, he
16 must immediately inform the court within fourteen days of the date of this order; and

17 4. The Clerk of the Court is to make any necessary adjustment to petitioner's
18 address based on his latest filing in the docket of this case.

19 DATED: January 5, 2011

20 /s/ Gregory G. Hollows
21 UNITED STATES MAGISTRATE JUDGE

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