

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DONALD DAVIS,

Petitioner,

No. 2:10-cv-01029 KJM DAD P

vs.

JAMES HAVILAND, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 23, 2013, respondent filed a motion to dismiss this federal habeas action. Petitioner has not filed an opposition to that motion. Local Rule 230(l) provides in part: “Failure of the responding party to file an 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 within twenty days of the date of this order, petitioner shall file and serve an opposition to respondent’s motion to dismiss and shall show cause in writing why sanctions should not be imposed for the failure to file a timely opposition. In the alternative, if petitioner no longer wishes to proceed with this matter,

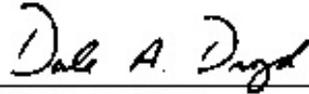
////

1 he may file a request to dismiss this action without prejudice pursuant to Rule 41(a) of the
2 Federal Rules of Civil Procedure.

3 DATED: March 5, 2013.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DAD:4
davi1029.osc



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE