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

CHRISTOPHER REED,

Petitioner,

No. CIV S-10-2405 KJM GGH P

vs.

MICHAEL MARTEL,

Respondent.

FINDINGS & RECOMMENDATIONS

_____ /

By order dated April 11, 2011, petitioner was ordered to show cause, within twenty-eight days, why his action should not be dismissed for failure to oppose respondent’s motion to dismiss. In essence, petitioner was given an opportunity to rectify his non-opposition. The twenty-eight day period has now expired, and petitioner has not shown cause or otherwise responded to the court’s order. Petitioner has failed to oppose the motion to dismiss filed by respondent.

IT IS HEREBY RECOMMENDED that this action be dismissed. See Local Rule 110; Fed. R. Civ. P. 41(b).

If petitioner files objections, he shall also address if a certificate of appealability should issue and, if so, as to which issues. A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a

