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

CLARK A. MILLER,

Petitioner,

No. 2:10-cv-2665 FCD JFM (HC)

vs.

RICHARD IVES, Warden,

Respondent.

ORDER

On February 14, 2011, respondent filed a motion to dismiss this action as successive. Petitioner has not filed an opposition to 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"

Good cause appearing, IT IS HEREBY ORDERED that petitioner show cause, within twenty-one days, why his failure to oppose respondent's February 14, 2011 motion to dismiss should not be deemed a waiver of any opposition to the granting of the motion, and file an opposition to the motion to dismiss. Petitioner is cautioned that failure to respond to the instant order, or to file an opposition to the pending motion to dismiss, will result in a recommendation that this action be dismissed.

DATED: April 19, 2011.

UNITED STATES MAGISTRATE JUDGE