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

HUNG TRONG NGUYEN,

Petitioner,

No. S:10-cv-3068 MCE KJN P

vs.

K. HARRINGTON, Warden,

Respondent.

ORDER TO SHOW CAUSE

_____ /

Petitioner is a state prisoner proceeding without counsel, with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 26, 2011, respondent filed a motion to dismiss this action as successive and as barred by the one-year statute of limitations contained in 28 U.S.C. § 2244(d). 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 April 26, 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

1 order, or to file an opposition to the pending motion to dismiss, will result in a recommendation
2 that this action be dismissed.

3 DATED: July 20, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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