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

MICHAEL McCANN,

Petitioner,

No. CIV S-11-1463 DAD P

vs.

RICK HILL, Warden,

Respondent.

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 August 4, 2011, respondent filed a motion to dismiss. Petitioner has not filed an opposition to the motion. Local Rule 230(1) 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 within twenty-one 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

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

3 DATED: September 13, 2011.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE