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

AMMIEL CORNISH,

Petitioner,

No. 2:12-cv-1296 KJN P

vs.

JIM MACDONALD,

Respondent.

ORDER

_____ /

Petitioner is a state prisoner, who proceeds without counsel, in this habeas corpus action filed pursuant to 28 U.S.C. § 2254. Both petitioner and respondent have consented to the jurisdiction of the magistrate judge for all purposes. (Dkt. Nos. 6, 12.) See 28 U.S.C. § 636(c); Local Rule 305(a).

On September 25, 2012, respondent filed a motion to dismiss the petition on statute of limitations grounds, as well as the alleged failure of petitioner to exhaust his state court remedies. Pursuant to this court’s order filed July 27, 2012 (Dkt. No. 7), petitioner’s opposition or statement of non-opposition to the motion was due within thirty days after service of the motion.

Petitioner has not responded to the motion.

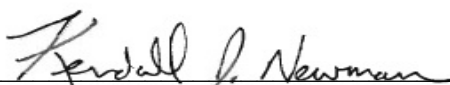
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1 Local Rule 230(l) provides in part: “Failure of the responding party to file written
2 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to
3 the granting of the motion” Local Rule 110 provides that failure to comply with the Local
4 Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or
5 within the inherent power of the Court.” Finally, Rule 41(b), Federal Rules of Civil Procedure,
6 provides that an action may be dismissed for failure to prosecute or to comply with court rules or
7 a court order. Fed. R. Civ. P. 41(b).

8 Good cause appearing, IT IS HEREBY ORDERED that, within fourteen days
9 after service of this order, petitioner plaintiff shall file an opposition, if any, to respondent’s
10 motion to dismiss; alternatively, petitioner may file a statement of non-opposition, or a request
11 that this action be dismissed without prejudice. Failure of petitioner to timely respond to this
12 order will be construed as a request for voluntary dismissal of this action without prejudice. Fed.
13 R. Civ. P. 41(b)(2).

14 SO ORDERED.

15 DATED: November 5, 2012

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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