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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 proceeding with a petition for writ of habeas corpus action pursuant to 28 U.S.C. § 2254. The parties have consented to the jurisdiction of the undersigned magistrate judge for all purposes. 28 U.S.C. § 636(c); Local Rule 305(a). (See Dkt. Nos. 6, 12.)

Last fall, petitioner failed to file an opposition to respondent’s September 25, 2012 motion to dismiss, premised on exhaustion and statute of limitations grounds. On November 5, 2012, this court informed petitioner of his omission, and directed petitioner to file an opposition, or statement of non-opposition, to respondent’s motion within fourteen days. (Dkt. No. 15.) Petitioner was informed that his “[f]ailure . . . to timely respond to this order will be construed as a request for voluntary dismissal of this action without prejudice.” (Id. at 2.) Petitioner did not respond to the court’s order or otherwise communicate with the court. The

1 court construes petitioner's inaction as a request that this action by dismissed.


2 Accordingly, IT IS HEREBY ORDERED that this action is dismissed without
3 prejudice. Fed. R. Civ. P. 41(a)(2).

4 SO ORDERED.

5 DATED: March 8, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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