

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

ARTHUR EUGENE TYES,

Petitioner,

No. 2:12-cv-01755 WBS DAD P

vs.

L.S. McEWEN,

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 November 30, 2012, respondent filed a motion to dismiss the pending petition as having been untimely filed. Petitioner has not filed an opposition to the motion. Local Rule 230(l) provides in part: “Failure of the responding party to file an 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

////

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

3 DATED: January 7, 2013.

4  
5   
6 \_\_\_\_\_  
7 DALE A. DROZD  
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:4  
8 tyes1755.oscopp

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26