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

CERON HILL,

Petitioner,

No. 2:12-cv-2098 MCE DAD (PC)

vs.

MARTIN BITER, et al.,

Respondents.

ORDER TO SHOW CAUSE

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On January 29, 2013, respondents filed a motion to dismiss this habeas action as barred by the applicable one year statute of limitations in 28 U.S.C. § 2244(d). Pursuant to stipulation of the parties, entered by counsel, and order of this court (ECF No. 22), the motion is set for hearing before the undersigned on April 19, 2013, at 10:00 a.m. Petitioner’s opposition to the pending motion to dismiss was due to be filed and served on April 5, 2013. However, the deadline for filing opposition to the motion and neither petitioner’s counsel nor petitioner himself have responded to the motion in any way.

Local Rule 230(c) requires that a party timely file an opposition to the motion or a statement of no opposition, and provides in part: “No party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party.” L.R. 230(c).

1                    Good cause appearing, IT IS HEREBY ORDERED that within five days from the  
2 date of this order petitioner, through his counsel of record, shall show cause, if any he has, why  
3 the hearing set for April 19, 2013 should not be dropped from the court's April 19, 2013 calendar  
4 and respondents' motion to dismiss granted as unopposed.

5 DATED: April 11, 2013.

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9                    DALE A. DROZD  
10                    UNITED STATES MAGISTRATE JUDGE

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