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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 YOW MING YEh,

No. 2:13-cv-262-TLN-EFB P

12 Petitioner,

13 v.

ORDER

14 JOHN DOE WARDEN,

15 Respondent.
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17 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28
18 U.S.C. § 2254. On July 3, 2013, respondent filed a motion to dismiss on the grounds that the
19 petition is untimely and that petitioner failed to exhaust available state judicial remedies.
20 Petitioner has not filed an opposition or a statement of no opposition to respondent's motion to
21 dismiss.

22 A responding party's failure "to file written opposition or to file a statement of no
23 opposition may be deemed a waiver of any opposition to the granting of the motion and may
24 result in the imposition of sanctions." L. R. 230(l). Failure to comply with any order or with the
25 Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or
26 Rule or within the inherent power of the Court." L. R. 110. The court may dismiss this action
27 with or without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See*
28 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in

1 dismissing pro se plaintiff's complaint for failing to obey an order to re-file an amended
2 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
3 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local rule
4 regarding notice of change of address affirmed).

5 Accordingly, it is hereby ORDERED that, within 21 days of the date of this order,
6 petitioner shall file either an opposition to the motion to dismiss or a statement of no opposition.
7 Failure to comply with this order will result in a recommendation that this action be dismissed
8 without prejudice.

9 Dated: August 14, 2013.

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11 EDMUND F. BRENNAN
12 UNITED STATES MAGISTRATE JUDGE
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