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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN R. SMITH,

 Petitioner,

 v.

MARION SPEARMAN, Warden,,

 Respondent.

No. 2:13-cv-0605 KJN P

ORDER


Both parties consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c). On April 17, 2013, respondent filed a motion to dismiss this action based on petitioner’s failure to exhaust state court remedies. Petitioner failed to file an opposition. On May 21, 2013, petitioner was granted a thirty-day extension of time in which to file an opposition, and warned that failure to do so would be deemed consent to have this action dismissed. The thirty day period has now expired, and petitioner has not filed an opposition or otherwise responded to the court’s order.

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1 Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice.

2 See Local Rule 110; Fed. R. Civ. P. 41(b).

3 **Date: 7/2/2013**


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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