

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
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KASSEEM J. WINN,
Petitioner,
v.
FRED FOULK, Acting Warden,¹
Respondent.

No. 2:13-cv-2111 KJM AC P

ORDER

On March 24, 2014, respondent filed a motion to dismiss the instant petition. ECF No. 10. By order filed on January 21, 2014, ECF No. 6, petitioner was informed that should respondent file a motion in response to the petition, petitioner was to file and serve his opposition or statement of non-opposition within thirty days of service of the motion. However, petitioner has failed to file any response to the motion and the time for doing so has expired.

Accordingly, IT IS ORDERED that:

1. Within thirty days, petitioner must (a) show cause why his failure to oppose the motion should not be deemed a waiver of any opposition to the granting of the motion; and (b) file any opposition to the motion. Failure to do so may be deemed a waiver of opposition to the motion.

¹ Respondent has requested the substitution of Warden Foulk for Warden McDonald pursuant to Fed. R. Civ. P. 25(d) because Mr. Foulk is acting warden at High Desert State Prison where plaintiff is currently housed. ECF No. 10, n. 1. The Clerk will be directed to note the substitution in the case docket.

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
27
28

2. The Clerk of the Court is directed to substitute Acting Warden Fred Foulk in place of Warden McDonald as respondent in the docket of this case.

DATED: May 13, 2014



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE