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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR EUGENE TYES,  
Petitioner,  
v.  
STUART SHERMAN,  
Respondent.

No. 2:15-cv-02655-JAM-GGH

ORDER

Petitioner appears in pro se and in forma pauperis in this habeas matter. On December 21, 2017 this court issued an Order to Show Cause why his failure to file opposition to respondent's motion to dismiss his petition should not be deemed a waiver of such opposition thereby permitting it to grant the motion as unopposed or he should file an opposition. ECF No. 16. Petitioner chose to respond to the Order but did not file an opposition. The court finds petitioner's explanation for his failure to oppose credible and therefore dismisses the Order to Show Cause.

Petitioner has had ample time to review the Motion to Dismiss. The court will therefore require him to file an Opposition on or before January 15, 2018. Should he again fail to so file this court will recommend that his petition be dismissed with prejudice. There will be no further extensions.

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In light of the foregoing IT IS HEREBY ORDERED that:

1. The Order to Show cause issued on December 21, 2017, ECF No. 16, is hereby withdrawn.
2. Petitioner shall file an Opposition to the pending motion to dismiss on or before January 15, 2018.
3. Petitioner is cautioned that a failure to file the foregoing Opposition timely shall lead to a recommendation that his petition be dismissed with prejudice.

**IT IS SO ORDERED.**

Dated: December 26, 2017

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE