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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DeERICK ERONN GIVENS,
Petitioner,
v.
W. L. MUNIZ, Warden,
Respondent.


No. 2:16-cv-00249 TLN AC P

ORDER

Petitioner is a state prisoner proceeding pro se with a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. On April 19, 2015, respondent filed and served a motion to dismiss the petition. See ECF No. 17. Petitioner’s opposition or statement of non-opposition was due within thirty days, see ECF No. 12 at 2, ¶ 5, or by May 19, 2016. However, petitioner has not responded to the motion.

Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days after the filing date of this order, plaintiff shall file and serve an opposition or statement of non-opposition to respondent’s pending motion to dismiss. Failure to timely comply with this order will result in a recommendation that this action be dismissed without prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

DATED: June 7, 2016


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE