

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

THOMAS CRUZ,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

No. 2:16-cv-0498 AC P


ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 12, 2016, respondent filed a motion to dismiss the petition. ECF No. 11. To date, petitioner has not opposed the motion.

Accordingly, IT IS HEREBY ORDERED that:

1. Within thirty days from the date of service of this order, petitioner shall file an opposition, or statement of non-opposition, to respondent’s motion to dismiss; and
2. Failure to comply with this order will result in a recommendation that this action be dismissed for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

DATED: October 5, 2016


 ALLISON CLAIRE
 UNITED STATES MAGISTRATE JUDGE