UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN WESLEY GRIGSBY,

Petitioner,

v.

M. MUNIGA,

Respondent.

No. 2:16-cv-1105-MCE-EFB P

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 3, 2016, respondent timely filed a motion to dismiss on the grounds that the petition is time barred, unexhausted and contains claims that are not cognizable in federal habeas. *See* ECF Nos. 13, 14. Petitioner has not filed an opposition or a statement of no opposition to respondent's motion to dismiss.[1]

A responding party's failure "to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions." L. R. 230(l). Failure to comply with any order or with the Local Rules "may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." L. R. 110. The court may dismiss this action

[1] Instead, petitioner has moved for default judgment. ECF Nos. 15, 16. Because respondent's motion was timely filed, petitioner's requests are denied.

with or without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in dismissing pro se plaintiff's complaint for failing to obey an order to re-file an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local rule regarding notice of change of address affirmed).

Accordingly, it is hereby ORDERED that:

1. Petitioner's motions (ECF Nos. 15 & 16) are denied.
2. Within 21 days of the date of this order, petitioner shall file either an opposition to the motion to dismiss or a statement of no opposition.
3. Failure to comply with this order may result in a recommendation that this action be dismissed.

Dated: October 24, 2016.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE