1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 REFUGIO SANCHEZ, No. 2:16-cv-2123-MCE-EFB P 12 Petitioner. 13 **ORDER** v. 14 RACKLEY, 15 Respondent. 16 17 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. See 28 18 U.S.C. § 2254. On December 6, 2016, respondent filed a motion to dismiss on the grounds that 19 the petition was filed beyond the one-year statute of limitations contained in 28 U.S.C. § 2244(d) 20 and because it does not raise a cognizable federal claim. Petitioner has not filed an opposition or 21 a statement of no opposition to respondent's motion to dismiss. 22 A responding party's failure "to file written opposition or to file a statement of no 23 opposition may be deemed a waiver of any opposition to the granting of the motion and may 24 result in the imposition of sanctions." L. R. 230(*l*). Failure to comply with any order or with the 25 Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or 26 Rule or within the inherent power of the Court." L. R. 110. The court may dismiss this action 27 with or without prejudice, as appropriate, if a party disobeys an order or the Local Rules. See 28 Ferdik v. Bonzelet, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in

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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, 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. Failure to comply with this order will result in a recommendation that this action be dismissed without prejudice. Dated: January 17, 2017. UNITED STATES MAGISTRATE JUDGE