

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

TOUA DELYNN THAO,
Petitioner,
v.
WILLIAM MUNIZ, Warden,
Respondent.

No. 2:16-cv-2477 KJM AC P

ORDER

Petitioner is a state prisoner at Salinas Valley State Prison proceeding with petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. See ECF No. 5. By order filed January 9, 2017, this court directed respondent to file a response to the petition. See ECF No. 9.

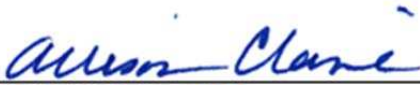
On March 10, 2017, respondent filed and served a motion to dismiss the petition on the grounds that it was filed beyond the one-year statute of limitations and contains an unexhausted claim. See ECF No. 14. Petitioner’s opposition or statement of non-opposition was due within thirty days after service of respondent’s motion. See ECF No. 9 at 2, ¶ 4. That deadline has passed but petitioner has not responded to the motion or otherwise communicated with the court.

Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days after the filing date of this order, petitioner 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

////

1 will result in a recommendation that this action be dismissed without prejudice for failure to
2 prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

3 DATED: April 24, 2017

4 
5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28