1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 EFRAIN CORNEJO, No. 2:16-cv-02594 KJM AC P 12 Petitioner. 13 v. **ORDER** 14 JOE LIZARRAGA, 15 Respondent. 16 17 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 18 28 U.S.C. § 2254. On August 7, 2017, respondent filed a motion to dismiss the petition. ECF 19 No. 9. On September 25, 2017, an opposition to that motion was submitted on petitioner's behalf 20 by Ernest L. Cox, petitioner's self-described jailhouse lawyer. ECF No. 12 at 4. Petitioner did 21 not sign the opposition. Id. Cox states that petitioner was transferred to administrative 22 segregation before he could do so. Id. at 9. 23 Local rules provide that "[a]ll pleadings and non-evidentiary documents shall be signed by 24 the individual attorney for the party presenting them, or by the party involved if that party is 25 appearing in propria persona." E.D. Local Rule 131(b) (underlining in original). Thus, the court 26 will only consider the opposition if petitioner submits his signature indicating his assent to both 27 its content and its submission by Cox on his behalf. To that end, the court will direct the Clerk of 28 Court to send a copy of the opposition and attached documents to petitioner with this order.

| 1 | Petitioner may indicate his assent to the opposition's filing by signing and dating the document in |
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| 2 | any area of the document on which his signature will be readily apparent. Petitioner should |
| 3 | submit a signed copy of the opposition within twenty-one days of this order's entry. |
| 4 | It is THEREFORE ORDERED that: |
| 5 | 1. The Clerk of Court shall send a copy of the opposition (ECF No. 12) to petitioner |
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| 6 | in conjunction with this order; |
| 7 | 2. If petitioner assents to the content of the opposition and Ernest Cox's filing it on |
| 8 | his behalf, he should sign and date the enclosed copy of the opposition in a location that will be |
| 9 | readily apparent; |
| 10 | 3. Petitioner should submit the signed and dated opposition within twenty-one (21) |
| 11 | days of this order's entry; and |
| 12 | 4. If petitioner fails to submit a signed and dated opposition within that time, the |
| 13 | court will decline to consider the opposition and strike it from the record. |
| 14 | DATED: September 27, 2017 |
| 15 | ALLISON CLAIRE |
| 16 | UNITED STATES MAGISTRATE JUDGE |
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