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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFEREY W. ALFIERI,  
Petitioner,  
v.  
MR. COLLINS, Warden,  
Respondent.

No. 2:16-cv-02668 MCE AC P

ORDER

Petitioner is a federal prisoner proceeding with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. See ECF No. 1. On July 24, 2017, respondent filed a motion to dismiss this action on several grounds. See ECF No. 20. This court previously directed petitioner to file and serve an opposition to a motion to dismiss within thirty days after service of the motion. See ECF No. 14. This deadline has passed but petitioner has not opposed the pending motion or filed a statement of no opposition.

Ample authority supports the dismissal of an action for failure to respond to a dispositive motion or to comply with a court order. Local Rule 230(l) provides that “[f]ailure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion . . . .” Local Rule 110 provides that failure to comply with the Local Rules or a court order “may be grounds for imposition of any

1 and all sanctions authorized by statute or Rule or within the inherent power of the Court.” Rule  
2 41(b), Federal Rule of Civil Procedure, provides for the dismissal of an action if the initiating  
3 party “fails to prosecute or to comply with these rules or a court order.”

4 Pursuant to these authorities, and good cause appearing, IT IS HEREBY ORDERED that,  
5 within fourteen (14) days after service of this order, petitioner shall file and serve an opposition or  
6 statement of no opposition to respondent’s pending motion to dismiss. Failure to file an  
7 opposition will be construed as petitioner’s consent to have this action dismissed without  
8 prejudice pursuant to Federal Rule of Civil Procedure 41(b).

9 SO ORDERED.

10 DATED: September 6, 2017

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12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
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