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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA


CORY WALLACE FERNANDEZ,  
Petitioner,  
v.  
SOLEDAD STATE PRISON,  
Respondent.

No. 2:16-cv-3013 MCE AC P

ORDER

Petitioner is a state prisoner proceeding pro se with a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. On August 17, 2017, respondent filed a motion to dismiss the petition. ECF No. 12. Petitioner has not responded to the motion. Accordingly, IT IS HEREBY ORDERED that, within twenty-one days of service of this order, petitioner shall file and serve an opposition or statement of non-opposition to the pending motion to dismiss. Failure to comply with this order will result in a recommendation that this action be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED: October 3, 2017

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE