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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. After petitioner failed to respond to the motion, he was ordered to file an opposition or statement of non-opposition within twenty-one days or face dismissal of the petition for failure to prosecute. ECF No. 15. Prior to the expiration of the deadline, petitioner requested a sixty-day extension of time to file his opposition. ECF No. 16. The motion for extension was granted and petitioner was given until December 26, 2017, to file his opposition. ECF No. 17. The deadline for responding to the motion to dismiss has passed and petitioner has not opposed respondent's motion, sought an extension of time, or taken any other action. Petitioner will be given one final opportunity to respond to the motion to dismiss. Failure to file an opposition or statement of non-opposition will result in a recommendation that this action be dismissed for failure to prosecute.

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Good cause appearing, IT IS HEREBY ORDERED that, within fourteen days after the filing date of this order, plaintiff shall file and serve an opposition or statement of no opposition to the pending motion to dismiss. Failure to comply with this order will result in the dismissal without prejudice of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

DATED: January 9, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE