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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEX LEONARD AZEVEDO,
Petitioner,
v.
COLUSA COUNTY SUPERIOR COURT,
Respondent.

No. 2:17-cv-0545 DB P

ORDER

Petitioner is a county inmate proceeding pro se and in forma pauperis with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Respondent has filed a motion to dismiss (ECF No. 23), but petitioner has not filed an opposition.

It appears the motion to dismiss was sent to the address on file for petitioner at the time the motion was filed. However, it appears petitioner’s address changed before he received a copy of the motion to dismiss. (ECF No. 28.) Petitioner’s most recent notice of change of address indicates that he is presently incarcerated in the Colusa County Jail. (ECF No. 34.)

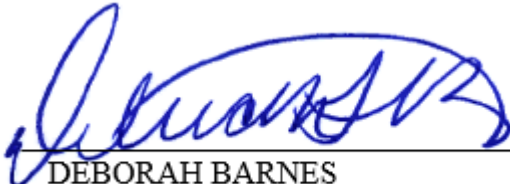
Because it appears petitioner did not receive a copy of the motion to dismiss, counsel for respondent will be directed to reserve the motion to dismiss on petitioner at his current address. Petitioner will be given thirty days from the date of service to file an opposition to the motion to dismiss. Failure to file an opposition to the motion to dismiss will be deemed a statement of non-opposition and may result in this action being dismissed without prejudice.

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Accordingly, IT IS HEREBY ORDERED that:

1. Within fourteen days of the date of this order respondent shall reserve the motion to dismiss on petition at his current address.
2. Petitioner shall file an opposition or statement of non-opposition within thirty days of the date of service of the motion to dismiss.

Dated: December 4, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:12
DLB1/prisoner-habeas/Azev0545.oppo