

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

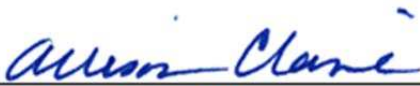
XAVIER SPIVEY,
Petitioner,
v.
DAVID BAUGHAM,
Respondent.

No. 2:17-cv-1612 JAM 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 October 9, 2017, respondent filed a motion to dismiss the petition. ECF No. 11. Petitioner has not opposed respondent's motion. Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days after service of this order, petitioner shall file and serve an opposition or statement of 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: November 27, 2017


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE