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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIRK J. BOUIE, Jr.,  
Petitioner,  
v.  
ROBERT FOX, Warden,  
Respondent.

No. 2:17-cv-2044 TLN AC P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus under 28 U.S.C. § 2254, challenging a disciplinary conviction. See ECF No. 1. On April 27, 2018, this court issued findings and recommendations recommending the dismissal of this action due to petitioner’s failure to file an opposition to the pending motion to dismiss, despite numerous extensions of time within which to do so. See ECF No. 18. Petitioner subsequently filed a motion to stay and abey this action, ECF No. 19 (which he asks this court to serve on respondent), and a statement indicating that he also filed an opposition, ECF No. 20. However, the court has not received an opposition. According petitioner one final opportunity to complete briefing in this case, the court vacates the pending findings and recommendations and makes the following order.

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For the reasons set forth above, IT IS HEREBY ORDERED that:

1. The court’s findings and recommendations filed April 27, 2018, ECF No. 18, are vacated.
2. Petitioner shall, within **twenty-one (21) days after the filing date of this order**, *file and serve* an opposition to the pending motion to dismiss— *no further extensions of time will be granted*.
3. Petitioner shall, within **fourteen (14) days after the filing date of his order**, *serve on* respondent a copy of petitioner’s motion to stay and abey this action (ECF No. 19); failure to serve this motion within this period of time shall result in its automatic denial for failure to follow court orders and the Federal Rules of Civil Procedure.
4. Respondent shall, within **forty-five (45) days after the filing date of this order**, file and serve a reply to petitioner’s opposition, if any, to respondent’s motion to dismiss, and a response to petitioner’s motion to stay and abey this action.
5. The Clerk of Court is directed to:
  - a. Designate on the docket that ECF No. 20 is a “letter of clarification” (not an opposition); and
  - b. Send petitioner, together with a copy of this order, a copy of his motion to stay and abey this action (ECF No. 19) so that petitioner may serve the motion on respondent.

SO ORDERED.

DATED: May 2, 2018

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE