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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSMAN GERARDO ZARATE
CASTILLO,

Petitioner,

v.

M. E. SPEARMAN, Warden,

Respondent.

No. 2:17-cv-2073-KHM-GGH

ORDER TO SHOW CAUSE

Petitioner brings this action in pro se and appears in forma pauperis. The matter was referred to this United States Magistrate Judge pursuant to Local Rule 302(c)(21)/

On December 15, 2017 respondent filed a motion to dismiss the petition. ECF No. 13. In an Order dated October 23, 2017, this court directed Petitioner that if the response filed was a Motion to Dismiss petitioner was to file and an Opposition or a Statement of Non-Opposition to that motion within 30 days of the date of the Order. Id. at 2:5-8. Thus the petitioner’s briefing was due on or about November 23, 2017. Petitioner has taken no action pursuant to that order.

In light of the foregoing IT IS HEREBY ORDERED that:

1. Petitioner shall show cause within thirty (30) days of this Order why his failure to file his Opposition as ordered should not be deemed a waiver of any opposition to the granting of the motion or he shall file an opposition.

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2. Petitioner is cautioned that failure to respond timely to this Order to Show cause will lead to a recommendation that his petition shall be dismissed with prejudice;

3. The Clerk of the Court shall serve petitioner with the Order found at ECF No. 7 along with the instant Order.

IT IS SO ORDERED.

Dated: April 20, 2018

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE