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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARCUS A. NICKELBERRY,  
Petitioner,  
v.  
STATE OF CALIFORNIA,  
Respondent.

Case No. [13-cv-02486-VC](#)

**ORDER**

On June 3, 2013, Petitioner filed a petition for habeas corpus. On September 23, 2013, Respondent moved to dismiss the petition based on failure to exhaust (Docket No. 9). Petitioner's response to Respondent's motion was due on October 23, 2013. As of the date of this Order, the Court has received no such response or any other communication from Petitioner. Accordingly, Petitioner is ORDERED to submit a response to Respondent's motion by **May 19, 2014**. If Petitioner fails to do so, the Court will dismiss the case without further notice.

**IT IS SO ORDERED.**

Dated: April 18, 2014



VINCE CHHABRIA  
United States District Judge