

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

MYRIAM PEREZ, as next friend of
RICHARD ROBERTS,
Petitioner,

vs.

Case No. 3:08cv245/LAC/EMT

FREDERICK B. DUNPHY,
Respondent.

ORDER

This cause is before the court on Respondent's Motion to Dismiss the habeas petition for failure to exhaust state court remedies and failure to state a federal claim (Doc. 22). Before the court rules on this matter, Petitioner shall be given an opportunity to respond.

Accordingly, it is **ORDERED**:

Within **THIRTY (30) DAYS** from the date of docketing of this order, Petitioner shall file a response to Respondent's motion to dismiss.

DONE AND ORDERED this 15th day of October 2008.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE