## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

STEVEN G. MITCHELL,	•
	:
Petitioner,	:
Ve	:
VS.	:
WILLIAM M. TERRY,	:
WILLIAWI WI. TEKKI,	•
Respondent.	:
	:

NO. 5:11-CV-28 (MTT)

Proceedings Under 28 U.S.C. §2254 Before the U.S. Magistrate Judge

## <u>ORDER</u>

Respondent William M. Terry has filed a Motion to Dismiss asserting that the abovecaptioned petition it is untimely under the one (1) year period of limitation set forth in 28 U.S.C. § 2244(d). Doc. 13. Since Petitioner Steven G. Mitchell is proceeding pro se, the Court deems it appropriate and necessary to advise him of his obligation to respond to said motion and of the consequences which he may suffer if he fails to file a proper response.

Petitioner is advised:

- (1) that a Motion to Dismiss has been filed herein by the Respondent;
- (2) that he has the right to oppose the granting of that motion; and,
- (3) that if he fails to oppose said motion, his petition may be DISMISSED.

The Petitioner is further advised that, under the procedures and policies of this court, motions to dismiss are normally decided on briefs. That is, the Court considers the pleadings and briefs filed by the parties in deciding whether dismissal is appropriate under the law. Failure of the Petitioner to respond, in writing, to the Motion to Dismiss may result in the granting of said motion, without a hearing or any further proceedings. Accordingly, the Petitioner is **ORDERED AND DIRECTED** to file a response to the Respondent's Motion to Dismiss <u>ON OR BEFORE APRIL 25, 2011</u>. Thereafter, the Court will consider the motion and any opposition to the same filed by the Petitioner. If no response is submitted by Petitioner, the Court will consider said motion to be uncontested.

**SO ORDERED**, this 4<sup>th</sup> day of April, 2011.

<u>s/ Charles H. Weigle</u> Charles H. Weigle United States Magistrate Judge