

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALBERTO JIMENEZ,

Petitioner,

vs.

WARDEN, *et al.*,

Respondents.

2: 09-cv-01949-PMP-PAL

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which Petitioner, a state prisoner, is represented by counsel. Pending before the Court is Respondents' motion to dismiss. (Docket #8.)

Respondents filed their motion to dismiss on March 3, 2010. (Docket #8.) It is accompanied by proof of service on Petitioner. Petitioner has not opposed or otherwise responded to the motion. Rule 7-2 of the Local Rules of Practice of the United States District Court for the District of Nevada provides in part, "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." Accordingly, the Court finds that Petitioner's failure to respond to Respondents' motion constitutes consent to the granting of the motion.

**IT IS THEREFORE ORDERED** that Respondents' motion to dismiss is **GRANTED**. (Docket #8.) The clerk shall enter judgment accordingly.

DATED: September 13, 2010.

  
 PHILIP M. PRO  
 United States District Judge