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8	UNITED STATES DISTRICT COURT
9	DISTRICT OF NEVADA
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11	MILAGROS RAYRAY SURATOS,
12	Petitioner,) 2:11-cv-00955-KJD-GWF
13	vs.) ORDER
14	CAROLYN MYLES, et al.,
15	Respondents.
16	
17	This action proceeds on a habeas corpus petition pursuant to 28 U.S.C. § 2254 brought
18	pro se by petitioner, Milagros Rayray Suratos. Before the Court is an unopposed motion to dismiss the
19	petition (ECF No. 7) on the grounds that it contains unexhausted and procedurally barred claims.
20	Despite being given notice through the Court's Order regarding the requirements of
21	Klingele v. Eikenberry and Rand v. Rowland, petitioner has not opposed the motion and has not sought
22	additional time from the Court to do so. Local Rules of Practice (LR) Rule 7-2(d) provides that "the
23	failure of an opposing party to file points and authorities in response to any motion shall constitute a
24	consent to the granting of the motion."
25 26	Because, pursuant to 28 U.S.C. § 2254(b)(1), the Court is unable to entertain the merits
26	of claims raised in this Court but not raised before the state court's, the motion to dismiss must be

1	granted.
2	IT IS THEREFORE ORDERED that the Motion to Dismiss the Petitioner (ECF No.
3	7) is GRANTED. The petition is DISMISSED . The Clerk shall enter judgment accordingly.
4	DATED: October 12, 2011
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6	Kent
7	UNITED STATES DISTRICT JUDGE
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