

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERTO MIRANDA ZAMARRON, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 STATE OF NEVADA, *et al.*, )  
 )  
 Respondents. )

Case No.3:10-CV-00094-ECR-VPC

**ORDER**

Before the court is a motion to dismiss the petition for writ of habeas corpus on file in this matter (docket #9). The motion to dismiss argues that ground two of the petition is unexhausted and that part of ground three is procedurally defaulted. Although petitioner has been granted extraordinary time and has been warned of the effects of failing to respond to this dispositive motion, he has failed to file a responsive pleading. *See* Minute Order in Chambers Regarding the Requirements of *Klinge v. Eikenberry* and *Rand v. Rowland*, docket #16.

The local rules of practice provide that the failure to file points and authorities in opposition to a pending motion is considered a concession to the grant of such a motion. LR 7-2. Therefore, the motion to dismiss shall be granted.

**IT IS THEREFORE ORDERED** that the Motion to Dismiss (docket #9) is **GRANTED**. The petition is dismissed with prejudice. The Clerk shall enter judgement accordingly.

Dated this 18th day of November, 2010.

  
UNITED STATES DISTRICT JUDGE