UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL RODRIGUEZ-GARCIA, Petitioner, v. WARDEN, Respondent.	No. 2:23-cv-0849 SCR P ORDER

Petitioner, a state prisoner, seeks habeas corpus relief pursuant to 28 U.S.C. § 2254. On July 25, 2024, respondent filed a motion to dismiss. Petitioner has not opposed the motion.

By order filed April 25, 2024, petitioner was advised of the requirements for filing an opposition to a motion to dismiss as follows: "If the response to the habeas petition is a motion, petitioner's opposition or statement of non-opposition to the motion shall be filed and served within thirty days after service of the motion, and respondent's reply, if any, shall be filed and served within fourteen days thereafter." (ECF No. 5 at 2.) Local Rule 230(l) provides, in part: "Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion...." Id. In addition, failure to comply with this court's Local Rules "may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court." Local Rule 110.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Good cause appearing, IT IS ORDERED that within 30 days from the date of this order, petitioner shall file an opposition, if any, to the motion to dismiss. Petitioner is cautioned that failure to file an opposition may be deemed as consent to have the action dismissed for failure to prosecute and failure to comply with a court order.

DATED: October 2, 2024

SEAN C. RIORDAN
UNITED STATES MAGISTRATE JUDGE