

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Perez v. Samaloston

Perez · No. 2:24-cv-2817 AC P · Decided March 5, 2025

OPINION

(HC) Perez v. Samaloston

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 SALVADOR PEREZ, No. 2:24-cv-2817 AC P

12 Petitioner, 13 v. ORDER

14 S. SAMALOSTON,

15 Respondent. 16

17 Petitioner is a federal prisoner proceeding pro se with a habeas corpus petition filed 18
pursuant to 28 U.S.C. § 2241. The parties have consented to magistrate judge jurisdiction. ECF

19 No. 7. On December 2, 2024, respondent filed a motion to dismiss the petition. ECF No. 8.

20 Petitioner did not file an opposition or statement of non-opposition to the motion within the
time 21 provided by the applicable rules. On January 22, 2025, petitioner was ordered to file a
response 22 to the pending motion within twenty-one days. ECF No. 9. In the same order,
petitioner was 23 cautioned that failure to file an opposition would result in dismissal without
prejudice for failure 24 to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Id. The
twenty-one-day period 25 has now expired, and petitioner has not filed a response to the motion to
dismiss or otherwise 26 responded to the court’s order. 27 In considering dismissal for failure to
prosecute, the court has considered “(1) the public’s 28 interest in expeditious resolution of
litigation; (2) the court’s need to manage its docket; (3) the 1 | risk of prejudice to the defendants;
(4) the public policy favoring disposition of cases on their 2 | merits; and (5) the availability of
less drastic alternatives.” *Ferdik v. Bonzelet*, 963 F.2d 1258, 3 || 1260-61 (9th Cir. 1992) (citation
omitted). Because this case cannot move forward without 4 || petitioner’s participation, the court
finds the factors weigh in favor of dismissal. 5 For the foregoing reasons, IT IS HEREBY
ORDERED that this action is dismissed 6 || without prejudice pursuant to Federal Rule of Civil
Procedure 41(b). 7 || DATED: March 5, 2025 ~ 8 Lhar—e_

ALLISON CLAIRE

9 UNITED STATES MAGISTRATE JUDGE

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