

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ANTHONY WAYNE OLIPHANT

v.

WARDEN ANGEL QUIROS, et al.

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PRISONER

Case No. 3:09cv1771(VLB)

ORDER AND NOTICE TO PRO SE LITIGANT

On March 31, 2010, the respondent has filed a motion to dismiss the petition. The petitioner was required to respond to the motion on or before April 21, 2010, which he has failed to do.

Local Rule 7(a)1 provides that “[f]ailure to submit a memorandum in opposition to a motion may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient cause to deny the motion.” Local Rule 12 provides for specific notice to pro se litigants when a motion to dismiss is filed by the opposing party in a non-habeas civil case. In keeping with the Court’s obligation to ensure that pro se litigants are aware of and understand the failure to comply with procedural rules, see Ruotolo v. Internal Revenue Serv., 28 F.3d 6, 8 (2d Cir. 1994), the Court provides the following notice, adapted from Local Rule 12(a), to the petitioner.

Notice to Pro Se Litigant Opposing Motion to Dismiss

The purpose of this notice is to notify you that the respondents have filed a motion to dismiss asking the Court to dismiss all or some of your claims. The respondents argue that there is no need to proceed with these claims because they are subject to dismissal for the reasons stated in the motion.

THE RESPONDENTS' MOTION MAY BE GRANTED AND YOUR CLAIMS MAY BE DISMISSED WITHOUT FURTHER NOTICE IF YOU DO NOT FILE OPPOSITION PAPERS AND IF THE RESPONDENTS' MOTION SHOWS THAT THE RESPONDENTS ARE ENTITLED TO DISMISSAL OF ANY OR ALL OF YOUR CLAIMS.

The papers you file must show that (1) you disagree with the respondents' arguments for dismissal, and (2) that the allegations of the petition are sufficient to allow this case to proceed. If you would like to amend your petition in order to respond to the alleged deficiencies in your petition asserted by the respondents (see generally Fed. R. Civ. P. 15), you may promptly file a motion to amend your petition, but you must attach your proposed amended petition to the motion.

It is very important that you read the respondents' motion and memorandum of law to see if you agree or disagree with the respondents' motion. You must file your opposition papers (and any motion to amend) with the Clerk of the Court and mail a copy to the respondents' counsel within twenty (20) days of this Order and Notice. If you require additional time to respond to the motion to dismiss, you must file a motion for extension of time, providing the Court with good reasons for the extension and with the amount of additional time you require.

IT IS SO ORDERED.

/S/

Vanessa L. Bryant
United States District Judge

Dated at Hartford, Connecticut this 19TH day of May 2010.