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

KAVIN M. RHODES,

Plaintiff

v.

M. ROBINSON, et al.,

Defendants.

CASE No. 1:02-cv-05018-LJO-DLB PC

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

TWENTY-ONE DAY DEADLINE

Plaintiff Kavin M. Rhodes, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 4, 2002. On August 5, 2013, Defendants filed a motion for summary judgment. (ECF No. 296.) On September 12, 2013, the Court issued an order granting Plaintiff a forty-five day extension of time to file an opposition. (ECF No. 301.) More than forty-five days has passed, and Plaintiff has not filed an opposition or a statement of non-opposition to the motion. Local Rule 230(l).

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff shall file an opposition or a statement of non-opposition to the motion within **twenty-one (21) days** from the date of service of this order; and
2. **Plaintiff is warned that the failure to comply with this order will result in dismissal of the action, with prejudice, for failure to prosecute.**

IT IS SO ORDERED.

Dated: December 17, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE