

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
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORIO C. FUNTANILLA, JR.,

1:02-cv-06001-OWW-GSA-PC

Plaintiff,

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANTS' MOTION
TO DISMISS WITHIN TWENTY-ONE DAYS

v.

DAVID TRISTAN, et al.,

(Doc. 221.)

Defendants.

On July 27, 2009, Defendants filed a motion to dismiss misjoined defendants and to sever claims from this action. (Doc. 221.) Plaintiff was required to file an opposition or a statement of non-opposition to the motion within twenty-one days, but has not done so. Local Rule 78-230(m).

Accordingly, within **twenty-one (21) days** from the date of service of this order, Plaintiff must file an opposition or a statement of non-opposition to Defendants' motion to dismiss. If Plaintiff fails to comply with this order, this action will be dismissed, with prejudice, for failure to obey the Court's order and failure to prosecute.

IT IS SO ORDERED.

Dated: January 20, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE