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

Ty Hertig,
Plaintiff,
vs.
Steven Cambra, et al.,
Defendants.

No. CV-04-05633-ROS

ORDER

On December 8, 2010, the Court ordered Plaintiff to provide additional information to complete service on Defendant Viravathana. (Doc. 46). Plaintiff was informed failure to do so would result in the dismissal of Defendant Viravathana for failure to timely complete service. (Id.). Plaintiff has not filed any additional information. As such, the Court will dismiss Defendant Viravathana.

On April 21, 2010, Defendant Friedman filed a Motion for Summary Judgment. (Doc. 42). On December 8, 2010, Plaintiff was given notice and warning that his failure to respond may result in summary dismissal of his case. *Rand v. Rowland*, 154 F.3d 952, 962 (9th Cir. 1998) (en banc). Plaintiff was also informed the Court may, in its discretion, treat his failure to respond to Defendant’s Motion for Summary Judgment as a consent to the granting of that Motion without further notice, and judgment may be entered dismissing this action with prejudice. *See Brydges v. Lewis*, 18 F.3d 651 (9th Cir. 1994) (*per curiam*). Plaintiff was

1 ordered to respond no later than January 14, 2011. (Doc. 46). Plaintiff failed to respond.
2 The Court has reviewed Defendant Friedman's Motion for Summary Judgment, and finds
3 good cause to grant the Motion.

4 Accordingly,

5 **IT IS ORDERED** Defendant Viravathana is dismissed.

6 **IT IS FURTHER ORDERED** Defendant Friedman's Motion for Summary Judgment
7 **(Doc. 42) is GRANTED.**

8 **IT IS FURTHER ORDERED** the **Clerk of the Court** shall enter judgment in favor
9 of Defendant Friedman and against Plaintiff.

10 **IT IS FURTHER ORDERED** the **Clerk of the Court** shall **close** the case.

11 DATED this 25th day of January, 2011.

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Roslyn O. Silver
Chief United States District Judge