

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

BRIAN L. GIBSON,)	
)	
)	
Plaintiff,)	Case No. 1:06-cv-1805-BLW-MHW
)	
v.)	ORDER
)	
JEANNE WOODFORD, A. PADILLA,)	
E. DIAZ, J. ROCHA, T. WAN,)	
JOHN DOES, JANE DOES, I. RUFF,)	
K. NGUYEN,)	
)	
Defendants.)	
_____)	

This case was filed on December 12, 2006. On September 2, 2008, the Court granted Plaintiff's Motion to Extend the Deadline to Amend the Pleadings. Plaintiff was given thirty (30) days to amend his pleadings. Amended pleadings were never filed. On December 22, 2008, Defendants filed a Motion for Summary Judgment (Docket No. 26). Plaintiff has not responded to the motion and has not filed any pleadings in this case since August 22, 2008.

Plaintiff is warned that failure to respond to the motion in a timely manner may be deemed to constitute a consent to the granting of the motion. *See* L.R. 78-230(m). Specifically, failure to respond to the motion for summary judgment may result in the motion being granted,

and Plaintiff's case being concluded in Defendants' favor.

The Court cautions Plaintiff that, to successfully oppose the summary judgment motion and allow his case to proceed to trial, he cannot rest upon the mere allegations contained in his complaint, but he must set forth, by affidavits, exhibits or otherwise, specific facts showing that there is a genuine issue for trial. Fed. R. Civ. P. 56.

The Court gives Plaintiff until April 29, 2009 to respond to Defendants' Motion for Summary Judgment. Otherwise, the motion may be granted and the case dismissed for failure to prosecute.



DATED: April 10, 2009

A handwritten signature in black ink that reads "Mikel H. Williams". The signature is written in a cursive, flowing style.

Honorable Mikel H. Williams
United States Magistrate Judge