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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF CALIFORNIA**
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9 ANTHONY D. WAFER,) 1:07-cv-00865-AWI-BAM (PC)
10 Plaintiff,)
11 v.) ORDER REQUIRING PLAINTIFF TO FILE
12 W. SUESBERRY, et al.,) OPPOSITION OR STATEMENT OF NON-
13 Defendants.) OPPOSITION WITHIN TWENTY-ONE
14) DAYS
15) (ECF No. 109)
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15 Plaintiff Anthony D. Wafer ("Plaintiff") is a state prisoner proceeding pro se and in
16 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently
17 proceeds only on Plaintiff's claim against Defendant Suesberry for failure to provide medication
18 in violation of the Eighth Amendment. On September 23, 2014, Defendant Suesberry filed a
19 motion for judgment on the pleadings. Fed. R. Civ. P. 12(c). To date, Plaintiff has not filed an
20 opposition, and all other motions have been resolved.

21 Accordingly, pursuant to Local Rule 230(l), Plaintiff is HEREBY ORDERED to file an
22 opposition or a statement of non-opposition to Defendant's motion within twenty-one (21) days.
23 **Plaintiff is warned that the failure to comply with this order will result in dismissal of this**
24 **action, with prejudice, for failure to prosecute.**

25 IT IS SO ORDERED.

26 Dated: February 13, 2015

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE