

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ANTHONY D. WAFER, ) 1:07-cv-00865-AWI-BAM (PC)  
)  
Plaintiff, ) ORDER REQUIRING PLAINTIFF TO FILE  
) OPPOSITION OR STATEMENT OF NON-  
v. ) OPPOSITION WITHIN TWENTY-ONE  
W. SUESBERRY, et al., ) DAYS  
Defendants. ) (ECF No. 109)  
)

Plaintiff Anthony D. Wafer (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds only on Plaintiff’s claim against Defendant Suesberry for failure to provide medication in violation of the Eighth Amendment. On September 23, 2014, Defendant Suesberry filed a motion for judgment on the pleadings. Fed. R. Civ. P. 12(c). To date, Plaintiff has not filed an opposition, and all other motions have been resolved.

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

IT IS SO ORDERED.

Dated: February 13, 2015

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE