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

LATWAHN MCELROY,
Plaintiff,
vs.
EMBERY, et al.,
Defendants.

CASE NO. 1:07-cv-01559 LJO DLB PC
ORDER DIRECTING PLAINTIFF TO RESPOND
TO MOTION TO DISMISS
THIRTY DAY DEADLINE

Plaintiff Latwahn McElroy (“plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On March 2, 2009, Defendant Embury (“Defendant”) filed a motion to dismiss pursuant to the unenumerated portion of Rule 12(b) of the Federal Rules of Civil Procedure. Plaintiff has not filed an opposition or statement of non-opposition to the motion.

Plaintiff is HEREBY ORDERED to file a response to the motion within thirty (30) days of service of this order. Failure to comply with this order will result in a recommendation that this action be dismissed for failure to obey a court order.

IT IS SO ORDERED.

Dated: April 21, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE