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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RODNEY KOCH,

Plaintiff,

v.

JAMES E. TILTON, et al.,

Defendants.

CASE NO. 1:07-cv-01698-LJO-GBC (PC)

ORDER REQUIRING PLAINTIFF TO FILE  
OPPOSITION TO DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT  
(Doc. 32)

TWENTY-DAY DEADLINE

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**I. Procedural History**

Plaintiff Rodney Koch ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on July 5, 2007. (Doc. 1). This action is proceeding on Plaintiff's first amended complaint filed on November 26, 2007, for violation of his rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA). (Doc. 17).

On February 7, 2011, Defendants filed a motion for summary judgment. (Doc. 32). As explained in the Court's second informational order filed on October 20, 2009 (Doc. 20-1), Plaintiff was required to file an opposition or a statement of non-opposition to the motion within twenty-one days, but has not done so. Local Rule 78-230(m). As warned in its October 20, 2009, order: "the Court may consider plaintiffs failure to act as a waiver of opposition to defendant(s) motion. Plaintiff's waiver of opposition to defendant(s)' motion may result in the entry of summary judgment against plaintiff." (Doc. 20).

1           Accordingly, within **twenty (20) days** from the date of service of this order, Plaintiff must  
2 file an opposition or a statement of non-opposition to the Defendants' motion for summary judgment  
3 or the case will be dismissed with prejudice.

4  
5 IT IS SO ORDERED.

6 Dated: July 8, 2011

  
7 \_\_\_\_\_  
8 UNITED STATES MAGISTRATE JUDGE