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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LATWAHN McELROY,

1:07-cv-01747-SMS PC

Plaintiff,

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANT’S MOTION
TO DISMISS WITHIN THIRTY DAYS

v.

VASQUEZ, et al.,

(Doc. 33)

Defendants.

_____ /

On May 8, 2009, Defendants Stailey¹ and Cope filed a motion to dismiss the complaint for failure to exhaust administrative remedies. (Doc. 33.) 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).

Accordingly, within **thirty (30) days** from the date of service of this order, Plaintiff must file an opposition or a statement of non-opposition to Defendants’ motion to dismiss. If Plaintiff fails to comply with this order, this action will be dismissed, with prejudice, for failure to obey the Court’s order and failure to prosecute.

IT IS SO ORDERED.

Dated: December 14, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

¹Plaintiff spelled defendant’s last name “Staily.” (Doc. 21.) Defendant spells his name “Stailey.” (Docs. 31, 33.)