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

Phillip Dunn)	No. CV-08-00873-NVW
Plaintiff,)	ORDER
vs.)	
Matthew Cate, et al.,)	
Defendants.)	

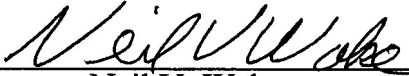
Before the Court is Defendants’ Motion for Summary Judgment (Doc. 59). Plaintiff was warned by order of August 6, 2010, that he must file a response by August 24, 2010, and of the consequences of not filing a response and not presenting evidence (Doc. 61). Plaintiff did not file a response to the motion. Rather, he filed a motion for voluntary dismissal of his action (Doc. 64), which the Court denied only because it failed to state whether the requested dismissal was with or without prejudice (Doc. 66). The Court has considered the unopposed Motion for Summary Judgment (Doc. 59) and grants it on its merits. Plaintiff has no actionable claim against Defendants, and Defendants are entitled to qualified immunity in any event.

IT IS THEREFORE ORDERED that Defendants’ Motion for Summary Judgment (Doc. 59) is granted.

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IT IS FURTHER ORDERED that the Clerk enter judgment in favor of Defendants and that Plaintiff take nothing. The Clerk shall terminate this case.

DATED this 30th day of August, 2010.



Neil V. Wake
United States District Judge