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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WADE RAINEY,

Plaintiff,

v.

GUADALUPE GARCIA, DDS,

Defendant.

CASE NO. 1:08-cv-01731-AWI-GBC PC

ORDER FOR PLAINTIFF TO RESPOND TO
MOTION FOR SUMMARY JUDGMENT

(ECF No. 39)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Wade Rainey, a state prisoner proceeding pro se and in forma pauperis. At this juncture, this action is proceeding on Plaintiff’s complaint, filed November 12, 2008, against Defendant Garcia, senior dentist at Kern Valley State Prison, for acting with deliberate indifference to Plaintiff’s serious medical needs, in violation of the Eighth Amendment.

Defendants filed a motion to dismiss on September 27, 2010. On October 25, 2010, Plaintiff filed a motion for an extension of time to file his opposition and on October 28, 2010, the Court granted a ninety day extension of time. More than ninety days have passed and Plaintiff has not filed an opposition or otherwise responded to the motion. Local Rule 230(1). Due to Plaintiff previously being granted a ninety day extension of time to file an opposition and his failure to respond, no further extensions of time shall be granted.

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff shall file an opposition or a statement of non-opposition to Defendants’ motion to dismiss within **thirty (30) days** from the date of service of this order;

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- 2. No further extensions of time shall be granted; and
- 3. The failure to respond to Defendants' motion in compliance with this order will result in dismissal of this action, with prejudice, for failure to prosecute.

IT IS SO ORDERED.

Dated: February 8, 2011


UNITED STATES MAGISTRATE JUDGE