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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TONI D. LEVINGSTON,

CASE NO. 1:09-cv-00589-SKO PC

Plaintiff,

ORDER REQUIRING PLAINTIFF TO FILE,
WITHIN 30 DAYS, OPPOSITION OR
STATEMENT OF NON-OPPOSITION TO
DEFENDANT’S MOTION TO DISMISS

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, et
al.,

Defendants.

_____ /

Plaintiff Toni D. Levingston (“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 4, 2010, Defendants filed a motion to dismiss based on Plaintiff’s failure to exhaust his administrative remedies. (Doc. #23.) Plaintiff has not filed an opposition or a statement of non-opposition to the motion to dismiss. Pursuant to Local Rule 230(1), Plaintiff was required to file an opposition or statement of non-opposition within twenty-one (21) days of the date of service of Defendants’ motion to dismiss.

Accordingly, within **thirty (30) days** from the date of service of this Order, Plaintiff shall file an opposition or a statement of non-opposition to Defendants’ motion to dismiss. **Plaintiff’s failure to file an opposition or statement of non-opposition in compliance with this order may result in this action being dismissed for failure to obey a court order and failure to prosecute.**

IT IS SO ORDERED.

Dated: April 26, 2010

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE