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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 TONI D. LEVINGSTON,

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

10 Plaintiff,

ORDER REQUIRING PLAINTIFF TO FILE,
11 v. WITHIN 30 DAYS, OPPOSITION OR
STATEMENT OF NON-OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS12 CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, et
13 al.,

Defendants.

14 _____ /

15 Plaintiff Toni D. Levingston (“Plaintiff”) is a state prisoner proceeding pro se and in forma
16 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On March 4, 2010, Defendants filed
17 a motion to dismiss based on Plaintiff’s failure to exhaust his administrative remedies. (Doc. #23.)
18 Plaintiff has not filed an opposition or a statement of non-opposition to the motion to dismiss.
19 Pursuant to Local Rule 230(l), Plaintiff was required to file an opposition or statement of non-
20 opposition within twenty-one (21) days of the date of service of Defendants’ motion to dismiss.
2122 Accordingly, within **thirty (30) days** from the date of service of this Order, Plaintiff shall
23 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.
2425
26 IT IS SO ORDERED.
2728 **Dated: April 26, 2010**

/s/ **Sheila K. Oberto**
UNITED STATES MAGISTRATE JUDGE