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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAMONT SHEPARD,

CASE NO. 1:09-cv-00809-SKO PC

Plaintiff,

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

v.

T. QUILLEN,

RESPONSE DUE WITHIN 30 DAYS

Defendant.

Plaintiff Lamont Shepard (“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 February 16, 2010, Defendant Quillen filed a motion to dismiss on the ground that Plaintiff’s complaint fails to state a claim. (Doc. #13.)

Plaintiff has not filed an opposition or a statement of non-opposition to the motion to dismiss. Local Rule 230(l) requires Plaintiff to file an opposition or a statement of non-opposition to Defendant’s motion within twenty-one (21) days of the date of service of the motion. Instead, Plaintiff has filed a request for entry of default claiming that Defendant “has failed to answer or otherwise defend as to Plaintiffs’[sic] complaint”. (Doc. #17.)

Plaintiff is advised that Defendant has filed a motion to dismiss. Thus, Defendant has not defaulted. It is Plaintiff who has failed to respond to Defendant’s motion. The Court will provide Plaintiff with thirty (30) days to file an opposition or a statement of non-opposition to Defendant’s motion to dismiss.

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1 Accordingly, it is HEREBY ORDERED that within thirty (30) days of the date of service of
2 this order, Plaintiff shall file an opposition or a statement of non-opposition to Defendant's motion
3 to dismiss. **Plaintiff's failure to file an opposition or statement of non-opposition in compliance**
4 **with this order may result in this action being dismissed.**

5
6 IT IS SO ORDERED.

7 **Dated: June 22, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE