

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PERRY ROBERT AVILA,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

CASE NO. 1:09-cv-00918-LJO-SKO PC

ORDER REQUIRING PLAINTIFF TO FILE
STATUS REPORT REGARDING HIS
ABILITY TO FILE OPPOSITION OR
STATEMENT OF NON-OPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT

(Docs. 22, 26, 39, and 40)

FIFTEEN-DAY DEADLINE

Plaintiff Perry Robert Avila, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 26, 2009. This action for damages is proceeding against Defendants Meadors, Sullivan, Jones, Gonzalez, and Peterson for violation of the Equal Protection Clause of the Fourteenth Amendment.

On March 7, 2011, Defendants filed a motion for summary judgment. By order filed March 24, 2011, Plaintiff was relieved of his obligation to file an opposition or a statement of non-opposition to the motion, pending resolution of the parties' discovery dispute. Resolution of that dispute ultimately resulted in service of subpoenas duces tecum on the custodians of record for the California Department of Corrections and Rehabilitation and the California Correctional Institution. Pursuant to the subpoenas, any responsive documents should have been served on Plaintiff by February 1, 2012.

///

1 Accordingly, within **fifteen (15) days** from the date of service of this order, Plaintiff shall
2 file a status report regarding his ability to file an opposition or a statement of non-opposition to
3 Defendants' motion for summary judgment.

4
5 IT IS SO ORDERED.

6 **Dated: February 6, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE