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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 MARLIN LATTEREAL ROYAL,

CASE NO. 1:09-cv-01407-BAM PC

10 Plaintiff,

ORDER REQUIRING PLAINTIFF TO FILE A
RESPONSE TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT WITHIN THIRTY
DAYS

11 v.

12 S. KNIGHT, et al.,

(ECF No. 40)

13 Defendants.
14 _____/

15 Plaintiff Marlin Lattereal Royal ("Plaintiff") is a state prisoner proceeding pro se and in
16 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Following resolution of
17 Defendants' motion to dismiss, this action is proceeding on the first amended complaint against
18 Defendant Knight for excessive force in violation of the Eighth Amendment and retaliation in
19 violation of the First Amendment, and Defendant Clark for failure to protect in violation of the
20 Eighth Amendment. (ECF No. 36.)

21 On October 30, 2012, Defendants filed a motion for summary judgment. Plaintiff has failed
22 to file an opposition or a statement of non-opposition to the motion. Local Rule 230(l).

23 Accordingly, it is HEREBY ORDERED that:

- 24 1. Plaintiff shall file an opposition or a statement of non-opposition to Defendants'
25 motion for summary judgment within **thirty (30) days** from the date of service of
26 this order; and

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2. 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: December 5, 2012

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE