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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARLIN LATTEREAL ROYAL,

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

Plaintiff,

ORDER TO SHOW CAUSE WHY
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT SHOULD NOT BE GRANTED
FOR PLAINTIFF'S FAILURE TO FILE
OPPOSITION

v.

S. KNIGHT, et al.,

(ECF Nos. 40 and 44)

Defendants.

TWENTY-ONE DAY DEADLINE

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

On October 30, 2012, Defendants filed a motion for summary judgment. Plaintiff failed to file an opposition or a statement of non-opposition to the motion. Local Rule 230(l). Accordingly, on December 6, 2012, the Court ordered Plaintiff to file a response to Defendants' motion for summary judgment within thirty (30) days. (ECF No. 44.) More than thirty (30) days have passed and Plaintiff has not filed an opposition.

Therefore, Plaintiff is ORDERED TO SHOW CAUSE, if any he has, why summary judgment should not be granted in favor of Defendants Clark and Knight. Plaintiff is ORDERED

1 to file a written response to this Order to Show Cause within **twenty-one (21) days** of the date of
2 this Order. Plaintiff may comply with this order by filing his opposition or statement of non-
3 opposition to the motion for summary judgment.

4 Failure to respond to this Order to Show Cause may result in dismissal of this action or in
5 summary judgment in favor of Defendants due to Plaintiff's failure to identify a genuine dispute as
6 to any material fact.

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8 IT IS SO ORDERED.

9 **Dated: January 25, 2013**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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