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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PHILLIP T. RICKER,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS MEDICAL, et al.,

Defendants.

CASE NO. 1:09-cv-01433-LJO-GBC (PC)

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

Docs. 39, 41

/ RESPONSE DUE WITHIN THIRTY DAYS

On August 14, 2009, Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed a complaint pursuant to 42 U.S.C. § 1983. Doc. 1. On August 26, 2010, this Court issued an order requiring Plaintiff to either file an amended complaint or notify the Court of willingness to proceed on his a cognizable claim against Defendants Anderson, Hicks, La Vaan, Lambert, Lopez, and Stinger (“Defendants”)¹ for Eighth Amendment deliberate indifference to medical need. Doc. 14. On September 8, 2010, Plaintiff notified the Court of his willingness to proceed on his cognizable claim against Defendants. Doc. 15. On December 15, 2010, the Court issued a second informational order, advising Plaintiff that Defendants may file a motion for summary judgment and how Plaintiff must oppose the motion in order to avoid dismissal, pursuant to *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998). Doc. 20. On April 27, 2012, Defendants filed a motion for summary judgment. Doc. 39. On May 1, 2012, Defendants filed the declaration of J. Moon, M.D. Doc. 41. As of the date of this order, Plaintiff has not filed an opposition or statement of non-opposition as required by Local Rule 230(l).

¹ The Court previously dismissed Defendants Alaape, Dhah, Kim, Moon, Tellorbes, and Wang. Docs. 17, 33.

1 Accordingly, it is HEREBY ORDERED that Plaintiff is to file an opposition or statement
2 of non-opposition to Defendants' motion for summary judgment within thirty (30) days from the date
3 of service of this order. Failure to timely comply or otherwise respond will be construed as waiver
4 of the opportunity to file an opposition.

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7 IT IS SO ORDERED.

8 Dated: June 8, 2012


UNITED STATES MAGISTRATE JUDGE