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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELVIN JOHN CABRERA,
Plaintiff,
v.
THOMAS M. MADDOCK, et al.,
Defendants.

Case No. 1:10-cv-00611-LJO-MJS (PC)

**ORDER REQUIRING PLAINTIFF TO
FILE OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

(ECF No. 28)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds on Plaintiff's Fourteenth Amendment Due Process claim against Defendants Gentry, Sanchez, Sigsten, Buechner, Jakabusky, and Kingston. (ECF No. 23.)

On December 28, 2015, Defendant filed a motion to dismiss for failure to state a claim. (ECF No. 28.) Plaintiff has not filed an opposition or statement of non-opposition to Defendant's motion, and the time for doing so has passed. Local Rule 230(f). The Court will give Plaintiff one further opportunity to respond to the motion: Plaintiff must file an opposition or a statement of non-opposition to Defendant's motion to dismiss within twenty-one (21) days from the date of service of this Order. If Plaintiff fails to file

1 an opposition or a statement of non-opposition to the motion, this action may be
2 dismissed, with prejudice, for failure to prosecute and failure to obey a court order.

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4 IT IS SO ORDERED.

5 Dated: February 12, 2016

/s/ Michael J. Seng
6 UNITED STATES MAGISTRATE JUDGE

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