

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

DANA MCMASTER,

 Plaintiff,

 v.

M. E. SPEARMAN, et al.,

 Defendants.

Case No. 1:10-cv-01407-AWI-SKO (PC)

**ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION WITHIN TWENTY-ONE
DAYS**

(Doc. 106)

Plaintiff Dana McMaster, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 6, 2010. This action is proceeding on Plaintiff’s second amended complaint, filed January 3, 2013, against Defendants Carlson, Garcia, Sedwick, Espitia, and Pease (“Defendants”) for failing to protect him, in violation of the Eighth Amendment, and against Defendant Carlson for retaliation, in violation of the First Amendment. The events giving rise to Plaintiff’s claims allegedly occurred between March 7, 2009, and April 20, 2009, at Pleasant Valley State Prison in Coalinga, California.

Pursuant to the amended scheduling order, the deadline for the completion of all discovery is May 15, 2015. On May 14, 2015, Defendants filed a timely motion to compel Plaintiff’s deposition. Fed. R. Civ. P. 37(d). Accordingly, pursuant to Local Rule 230(l), Plaintiff is **HEREBY ORDERED** to file an opposition or a statement of non-opposition to Defendants’ motion to compel within **twenty-one (21) days** from the date of service of this order. **Plaintiff is**

1 **warned that the failure to comply with this order will result in dismissal of this action, with**
2 **prejudice, for failure to prosecute.**

3
4 IT IS SO ORDERED.

5 Dated: May 15, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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