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2 **UNITED STATES DISTRICT COURT**

3 EASTERN DISTRICT OF CALIFORNIA

4
5 DANA McMASTER,

6 Plaintiff,

7 v.

8 SPEARMAN, et al.,

9 Defendants.

1:10-cv-01407-AWI-SKO (PC)

ORDER REQUIRING PLAINTIFF TO
FILE OPPOSITION OR STATEMENT OF
NON-OPPOSITION TO DEFENDANTS'
MOTION TO COMPEL HIS
DEPOSITION

(Doc. 117)

TWENTY-ONE (21) DAY DEADLINE

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12 Plaintiff initiated this action while incarcerated and is proceeding *pro se* in a civil rights
13 action pursuant to 42 U.S.C. § 1983. On December 18, 2015, Defendants filed a motion to
14 compel Plaintiff's deposition since he failed to appear the second time they properly noticed it.
15 (Doc. 117.) To date, Plaintiff has not filed an opposition.

16 Plaintiff is given one last opportunity to file an opposition or a statement of non-
17 opposition to the motion within twenty-one days of the date of service of this order. Local Rule
18 230(l). Failure to do so will be viewed as a lack of prosecution of this action.

19 Accordingly, it is HEREBY ORDERED that:

20 1. Plaintiff shall file an opposition or a statement of non-opposition to Defendant's motion
21 to compel discovery within **twenty-one (21) days** from the date of service of this order; and

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

24
25 IT IS SO ORDERED.

26 Dated: March 8, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE