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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TROY MITCHELL NAYLOR,
Plaintiff,
v.
CLIFF ALLENBY, et al.,
Defendants.

CASE No. 1:11-cv-01649-MJS
ORDER REQUIRING PLAINTIFF TO FILE
AN OPPOSITION OR STATEMENT OF
NON-OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS WITHIN TWENTY-
ONE DAYS
(ECF No. 12)

Plaintiff Troy Mitchell Naylor is a civil detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on September 29, 2011. (ECF No. 1.) On December 2, 2013, the Court found that Plaintiff stated cognizable First and Fourth Amendment claims against Defendant Duvall, but did not state a claim against any of the remaining Defendants. (ECF No. 6.) Plaintiff was given leave to amend the complaint or notify the Court of his desire to proceed only on his cognizable claims. (Id.) Plaintiff elected to proceed on his cognizable claims. (ECF No. 7.)

On April 29, 2014, Defendant Duvall filed a motion to dismiss for failure to state a claim. (ECF No. 12.) More than twenty-one days have passed and Plaintiff has not filed an opposition or a statement of non-opposition to the motion. Local Rule 230(l).

Accordingly, it is HEREBY ORDERED that:

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

2. Plaintiff is warned that the failure to comply with this order will constitute a waiver of opposition. Defendant is granted seven days to reply to any opposition filed by Plaintiff.

IT IS SO ORDERED.

Dated: July 2, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE