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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LANARD KITCHENS,)	Case No.: 1:12-cv-0105-AWI-MJS (PC)
Plaintiff,)	
v.)	ORDER REQUIRING PLAINTIFF TO FILE AN
TORDSEN, et al.,)	OPPOSITION OR STATEMENT OF NON-
Defendants.)	OPPOSITION TO DEFENDANTS' MOTION TO
)	DISMISS WITHIN TWENTY-ONE DAYS
)	(ECF No. 53)
)	
)	
)	

Plaintiff Lanard Kitchens ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action on January 24, 2012. (ECF No. 1.) On February 28, 2013, the Court found that Plaintiff stated a cognizable First Amendment claim against Defendant Torsen and an Eighth Amendment claim against Defendants Torsen, Coker, Leach, and Day. (ECF Nos. 28-30, 32.)

On January 3, 2014, Defendants Day, Coker, Leach, and Torsen filed a motion to dismiss for failure to exhaust. (ECF No. 53.) 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(f).

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 result in dismissal of this action, with prejudice, for failure to prosecute.

IT IS SO ORDERED.

Dated: February 12, 2014

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE