

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

LUIS V. RODRIGUEZ,  
  
  Plaintiff,  
  
  v.  
  
CDCR DEPARTMENT OF REVIEW  
BOARD, et al.,  
  
  Defendant(s).

1:12-cv-00757 AWI JLT (PC)  
  
ORDER REQUIRING PLAINTIFF TO FILE  
OPPOSITION OR STATEMENT OF NON-  
OPPOSITION TO DEFENDANTS' MOTION  
TO DISMISS WITHIN TWENTY-ONE DAYS  
  
(Doc. 52)

Plaintiff is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. The events giving rise to Plaintiff's claims occurred in 2009 at Kern Valley State Prison.

On April 30, 2014, Defendants filed a motion to dismiss for failure to state a claim, qualified immunity, and asserting that this action is barred under *Heck* and *Balisok*. (Doc. 52.)

On May 7, 2014, a second informational order issued advising Plaintiff of the requirements to oppose a motion to dismiss and directing Plaintiff to file an opposition or a statement of non-opposition within twenty-one days. (Doc. 53.) More than 21 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:

- 1. Plaintiff SHALL file an opposition or a statement of non-opposition to the motion within **21 days** from the date of service of this order; and

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

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: June 9, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE