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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 LEROY MANNING,) Case No.: 1:12-cv-01621-LJO-SAB (PC)
12 Plaintiff,)
13 v.) ORDER REGARDING PLAINTIFF'S RECENT
14 JULIE KELLY,) NOTICE OF CHANGE OF ADDRESS AND
15 Defendant.) FAILURE TO FILE OPPOSITION OR
16) STATEMENT OF NON-OPPOSITION TO
17) DEFENDANT'S MOTION FOR SUMMARY
18) JUDGMENT
) (ECF Nos. 79, 82)
) **THIRTY-DAY DEADLINE**
)

19 Plaintiff Leroy Manning is appearing pro se and in forma pauperis in this civil rights action
20 pursuant to 42 U.S.C. § 1983. This case currently proceeds against Defendant Kelly on Plaintiff's
21 claim of deliberate indifference to serious medical needs in violation of the Eighth Amendment. This
22 matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local
23 Rule 302.

24 On December 9, 2016, Defendant filed a motion for summary judgment. Fed. R. Civ. P. 56.
25 (ECF No. 79.) Plaintiff was provided with notice of the requirements for opposing that motion. Woods
26 v. Carey, 684 F.3d 934 (9th Cir.2012); Rand v. Rowland, 154 F.3d 952, 957 (9th Cir.1988); Klinge
27 v. Eikenberry, 849 F.2d 409, 411–12 (9th Cir.1988). (ECF No. 79-1.) Plaintiff's opposition was due
28 within twenty-one (21) days of service of Defendant's motion.

1 More than thirty (30) days have passed since the motion for summary judgment was filed and
2 served, but Plaintiff has not filed any opposition or statement of non-opposition to the motion.
3 However, on January 10, 2017, Plaintiff filed a notice of change of address with the Court. (ECF No.
4 82.) Based upon Plaintiff's indication that he has recently changed his address, it is possible that his
5 response was delayed due to a delayed receipt of Defendant's motion for summary judgment. That
6 motion was served on Plaintiff at his former address of record, according to the attached declaration of
7 service. (Declaration of Service, ECF No. 79, p. 3.)

8 Accordingly, in an abundance of caution, the Court will sua sponte grant Plaintiff a brief
9 extension of time to file an opposition or statement of non-opposition to Defendant's motion for
10 summary judgment. Plaintiff is reminded that pursuant to Local Rule 230(1), the failure of the
11 responding party to file an opposition or to file a statement of no opposition may be deemed a waiver
12 of any opposition to the granting of the motion, and may result in the imposition of sanctions.

13 For the foregoing reasons, Plaintiff is **HEREBY ORDERED** to file an opposition or a
14 statement of non-opposition to Defendant's motion for summary judgment, within **thirty (30) days**.

15
16 IT IS SO ORDERED.

17 Dated: **January 11, 2017**


UNITED STATES MAGISTRATE JUDGE