

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**

JESUS DE LEON,)	Case No.: 1:13-cv-00257-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER DIRECTING PLAINTIFF TO FILE A
v.)	RESPONSE TO DEFENDANTS' MOTION FOR
)	SUMMARY JUDGMENT, FILED AUGUST 6,
KATHLEEN ALLISON, et al.,)	2015
)	
Defendants.)	[ECF No. 40]
)	
)	

Plaintiff Jesus DeLeon is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding against Defendants F. Vasquez, K. Allison, W. J. Sullivan, K. Clark, T. Wan, C. Moreno, R. Tolsen, B. Peterson, P. Diaz, S. Sherman, C. Garza, D. Goss, D. Artis, D. Foster, and Doe 1-10 for denial of outdoor exercise, and against Defendants F. Vasquez, C. Moreno, R. Tolsen, B. Peterson, K. Clark, W. J. Sullivan, K. Allison, P. Diaz, S. Sherman, R. Gomez, D. Artis, D, Foster, and Does 1-10, for an Equal Protection violation.

On August 6, 2015, Defendants Allison, Artis, Clark, Diaz, Foston, Garza, Goss, Hernandez, Moreno, Peterson, Sherman, Sullivan, Tolson, Vasquez, and Wan filed a motion for summary judgment. Fed. R. Civ. P. 56. To date, Plaintiff has not filed a response. In addition, Defendants submit, by way of motion to dismiss for failure to prosecute, that Plaintiff is presently incarcerated at North Kern State Prison, despite the address of record as Pleasant Valley State Prison. (ECF No. 41.)

1 Plaintiff has failed to notify the Court of such address change and service at the address of record
2 remains effective. Local Rules 182(f), 183(b).

3 Pursuant to Local Rule 230(l), Plaintiff is HEREBY ORDERED to file an opposition or
4 statement of non-opposition to Defendants' motion for summary judgment within **twenty-one (21)**
5 **days**. Plaintiff is warned that the failure to comply with this order will result in dismissal of this
6 action, with prejudice, for failure to prosecute. In an abundance of caution, the Clerk of Court is
7 directed to serve a copy of this order on Plaintiff at North Kern State Prison, P.O. Box 567, Delano,
8 CA 93215-0567, in addition to Plaintiff's address of record.

9
10 IT IS SO ORDERED.

11 Dated: September 16, 2015


UNITED STATES MAGISTRATE JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28