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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

 Plaintiff,

 v.

CORCORAN STATE PRISON, et al

 Defendant.

Case No. 1:13-cv-00695-DAD-JLT (PC)
ORDER REINSTATING AUGUST 17, 2017
FINDINGS AND RECOMMENDATIONS TO
GRANT DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT
(Docs. 83, 87, 92)
21-DAY OBJECTION DEADLINE

On May 30, 2017, Defendants filed a motion for summary judgment contending that Plaintiff violated 42 U.S.C. § 1997e(a) because he failed to exhaust the available administrative remedies prior to filing this action. (Doc. 83.) Despite lapse of more than a month beyond the allowed time, Plaintiff filed neither an opposition, nor a statement of opposition to Defendants’ motion. Thus, on August 17, 2017, Findings and Recommendations issued to grant Defendants’ motion. (Doc. 87.) Roughly 10 days later, Plaintiff filed a motion seeking a 60-day extension of time to file an opposition to Defendants’ motion. (Doc. 88.)

Good cause was found, the August 17, 2017 F&R was withdrawn, and Plaintiff was given a 60 day extension of time to file an opposition to Defendants’ motion in an order which issued on September 15, 2017. (Doc. 92.) That order stated that Plaintiff’s failure to file an opposition or statement of non-opposition to Defendants’ motion within the time granted would result in reinstatement of the August 17, 2017 F&R. (*Id.*) More than 60 days have lapsed since the order

1 granting Plaintiff's extension issued and Plaintiff has not filed an opposition or statement of non-
2 opposition to Defendants' motion; nor any other response to the Court's September 15, 2017
3 order.

4 Accordingly, the Findings and Recommendations to grant Defendants' motion for
5 summary judgment which issued on August 17, 2017, (Doc. 87), are **REINSTATED**.

6 The August 17, 2017 Findings and Recommendations will be submitted to the United
7 States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §
8 636(b)(1). **Within 21 days** after being served with these Findings and Recommendations, the
9 parties may file written objections with the Court. Local Rule 304(b). The document should be
10 captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are
11 advised that failure to file objections within the specified time may result in the waiver of rights
12 on appeal. *Wilkerson*, 772 F.3d at 838-39 (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th
13 Cir. 1991)).

14
15 IT IS SO ORDERED.

16 Dated: December 5, 2017

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE