

1 directed to file an opposition within twenty-one (21) days of the date of Defendants' service of
2 their motion and was provided notice and warning of the requirements for his opposition in
3 compliance with *Woods v. Carey*, 684 F.3d 934, 939-41 (9th Cir. 2012); *Rand v. Rowland*, 154
4 F.3d 952, 960-61 (9th Cir. 1998); *Klinge v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988). (*Id.*, see
5 also Doc. 51.)

6 Defendants filed a motion for summary judgment on exhaustion issues on December 22,
7 2016. (Doc. 54.) More than twenty-one (21) days lapsed without Plaintiff having filed an
8 opposition or a statement of non-opposition to Defendants' motion.

9 On February 1, 2017, an order issued for Plaintiff to show cause why this action should
10 not be dismissed based on his failure to prosecute the action and to obey the Court's order. (Doc.
11 55.) Two days later, Plaintiff filed a motion requesting an extension of time to file his opposition
12 to Defendants' motion which apparently crossed in the mail with the order to show cause. (Doc.
13 56.) In his request for an extension of time, Plaintiff explained that his copy of Defendants'
14 motion for summary judgment was mistakenly delivered to another inmate with the same last
15 name by prison personnel. (*Id.*) The Court accepts this explanation which satisfies the order to
16 show cause.

17 Accordingly, it is **HEREBY ORDERED** that the order to show cause, that issued on
18 February 1, 2017, (Doc. 55), is **DISCHARGED**.

19 IT IS SO ORDERED.

20
21 Dated: February 7, 2017

/s/ Sheila K. Olerto
UNITED STATES MAGISTRATE JUDGE