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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BERNIE NORIEGA,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

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Case No. 1:13-cv-01420-LJO-BAM PC

ORDER REQUIRING PLAINTIFF TO FILE  
OPPOSITION OR STATEMENT OF NON-  
OPPOSITION WITHIN TWENTY-ONE  
DAYS

(ECF No. 21)

Plaintiff Bernie Noreiga, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 9, 2013. This action proceeds against Defendant Bunnell for deliberate indifference to Plaintiff's serious medical needs in violation of the Eighth Amendment to the United States Constitution.

On January 28, 2015, Defendant Bunnell filed a motion for summary judgment. Fed. R. Civ. P. 56. In lieu of an opposition, Plaintiff filed a motion to appoint counsel, along with a request for a thirty-day extension of time. (ECF No. 24.) On April 2, 2015, the Court denied, without prejudice, the motion to appoint counsel. However, the Court granted Plaintiff's motion for an extension of time and directed Plaintiff to file his opposition within thirty (30) days after service. (ECF No. 25.) Plaintiff's opposition was due on May 5, 2015. To date, Plaintiff has not filed an opposition.

Pursuant to Local Rule 230(I), Plaintiff is **HEREBY ORDERED** to file an opposition or a statement of non-opposition to Defendant's motion within **twenty-one (21) days**. **Plaintiff is**

1 warned that the failure to comply with this order will result in dismissal of this action, with  
2 prejudice, for failure to prosecute.

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4 IT IS SO ORDERED.

5 Dated: May 11, 2015

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

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