

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**

LARRY CRUZ,	)	Case No.: 1:13-cv-01762-BAM PC
Plaintiff,	)	
v.	)	ORDER REQUIRING PLAINTIFF TO FILE
	)	OPPOSITION OR STATEMENT OF NON-
M. ESPINOSA, et al.,	)	OPPOSITION WITHIN TWENTY-ONE DAYS
Defendants.	)	(ECF No. 21)
	)	
	)	
	)	
	)	

Plaintiff Larry Cruz (“Plaintiff”), a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983, initiated this action on November 1, 2013. This action proceeds on Plaintiff’s claims against Defendants Dunn, Hiracheta, Silva and Espinosa for excessive force in violation of the Eighth Amendment.

On July 24, 2015, Defendants filed a motion for summary judgment for failure to exhaust administrative remedies. Fed. R. Civ. P. 56. Plaintiff was provided with notice of the requirements for opposing a motion for summary judgment. (ECF No. 21-4.) Plaintiff’s opposition was due on or before August 14, 2015. To date, Plaintiff has not filed an opposition.

Pursuant to Local Rule 230(l), 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 warned

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

3 IT IS SO ORDERED.

4 Dated: August 25, 2015

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28