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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

HOMER EARL HAWKINS,	)	1:14-cv-00009-AWI-BAM (PC)
	)	
Plaintiff,	)	ORDER REQUIRING PLAINTIFF TO FILE
	)	OPPOSITION OR STATEMENT OF NON-
v.	)	OPPOSITION WITHIN TWENTY-ONE
	)	DAYS
S. IBARRA, et al.,	)	
	)	(ECF No. 28)
Defendants.	)	
	)	
	)	
	)	

Plaintiff Homer Earl Hawkins (“Plaintiff”) is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. The action was removed to this Court on January 2, 2014. This action currently proceeds on Plaintiff’s claim for excessive force in violation of the Eighth Amendment against Defendant Ibarra.

On October 19, 2015, Defendants filed a motion for summary judgment on the grounds that (1) Plaintiff’s claim of excessive force is barred under Heck v. Humphrey, 512 U.S. 477 (1994), and Edwards v. Balisok, 520 U.S. 648 (1997); (2) Plaintiff cannot present evidence sufficient to support a finding that Defendant Ibarra acted with a malicious or sadistic intention to cause harm; and (3) Defendant Ibarra is entitled to qualified immunity. Fed. R. Civ. P. 56. Plaintiff was provided with notice of the requirements for opposing a motion for summary judgment. (ECF No. 32.) Plaintiff’s opposition was due on or before November 12, 2015. To date, Plaintiff has not filed an opposition.

1 Pursuant to Local Rule 230(l), Plaintiff is HEREBY ORDERED to file an opposition or a  
2 statement of non-opposition to Defendant's motion within twenty-one (21) days. **Plaintiff is**  
3 **warned that the failure to comply with this order will result in dismissal of this action, with**  
4 **prejudice, for failure to prosecute.**

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6 IT IS SO ORDERED.

7 Dated: November 25, 2015

8 /s/ Barbara A. McAuliffe  
9 UNITED STATES MAGISTRATE JUDGE  
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