

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

DANNY M. COSTON,
Plaintiff,
v.
J.K. YU, et al.,
Defendants.

CASE NO. 1:14-cv-00148-AWI-MJS
ORDER TO SHOW CAUSE
FOURTEEN-DAY DEADLINE

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter proceeds against Defendant Dr. J.K. Yu on an Eighth Amendment medical indifference claim.

Pending before the Court is Plaintiff’s February 27, 2017, motion for summary judgment. Defendant responded to Plaintiff’s motion on March 3, 2017, by moving the Court to re-open discovery pursuant to Federal Rules of Civil Procedure 16(b) and 56(d). This request was denied on March 23, 2017, on the ground that Defendant failed to exercise due diligence during the preceding eight-month discovery period. (ECF Nos. 37, 43.) To date, Defendant has not filed an opposition to Plaintiff’s summary judgment motion, and the time for filing one has now long passed. See E.D. Cal. Local Rule 230(f).

Accordingly, IT IS HEREBY ORDERED that Defendant shall show cause within fourteen days why Plaintiff’s motion for summary judgment should not be granted in full because unopposed; alternatively, Defendant may, within that time, file an opposition to

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

the pending motion for summary judgment and show cause why he should not be sanctioned for failure to file that opposition within the time allotted.

IT IS SO ORDERED.

Dated: May 5, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE