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

JESUS A. GARCIA,) Case No.: 1:14-cv-00459-BAM (PC)
)
Plaintiff,) ORDER REQUIRING PLAINTIFF TO FILE
) OPPOSITION OR STATEMENT OF NON-
v.) OPPOSITION TO DEFENDANTS' MOTION TO
) DISMISS
CALIFORNIA DEPARTMENT OF)
CORRECTIONS, et al.,) (ECF No. 25)
)
Defendants.) **TWENTY-ONE (21) DAY DEADLINE**
)
)
)

Plaintiff Jesus A. Garcia ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently proceeds on Plaintiff's claims for deliberate indifference to his health and safety in violation of the Eighth Amendment against Defendants J. Mejia and J. Faure.

On May 4, 2016, Defendants filed a motion to dismiss Plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim.¹ (ECF No. 15.) The notice of motion that accompanied the motion expressly notified Plaintiff that his response to the motion to dismiss must be filed not more than twenty-one (21) days after the date of service of that motion. Local Rule 230(1).

¹ The motion was originally filed by Defendant Faure, and was joined by Defendant Mejia. (ECF No. 27.)

1 Thus, Plaintiff's response to that motion was due on or before May 31, 2016. That date has passed,
2 and Plaintiff has not yet filed any response.

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

7
8 IT IS SO ORDERED.

9 Dated: June 7, 2016

/s/ Barbara A. McAuliffe
10 UNITED STATES MAGISTRATE JUDGE