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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 RENO FUENTES RIOS,

12 Plaintiff,

13 v.

14 GIPSON, *et al.*,

15 Defendants.

Case No. 1:14-cv-00520-NONE-BAM (PC)

ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

(ECF No. 69)

TWENTY-ONE (21) DAY DEADLINE

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18 Plaintiff Reno Fuentes Rios ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*
19 *pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on
20 Plaintiffs' first amended complaint against Defendants Gipson, Mayo, Pina, Ortega, and Garcia
21 for improper gang validation in retaliation for filing grievances, in violation of the First
22 Amendment.

23 On July 21, 2020, Defendants filed a motion for summary judgment on the ground that
24 there is no genuine dispute as to any material fact that Defendants did not violate Plaintiff's
25 constitutional rights, and that Defendants are entitled to qualified immunity. (ECF No. 62.) In
26 the motion, Plaintiff was provided with notice of the requirements for opposing a motion for
27 summary judgment. Woods v. Carey, 684 F.3d 934 (9th Cir. 2012); Rand v. Rowland, 154 F.3d
28 952, 957 (9th Cir. 1988); Klinge v. Eikenberry, 849 F.2d 409, 411–12 (9th Cir. 1988). (ECF

1 No. 62-1.) Pursuant to Local Rule 230(l) and Federal Rule of Civil Procedure 6(d), and following
2 an extension of time, Plaintiff's opposition or statement of non-opposition was due on or before
3 March 22, 2021. The deadline for Plaintiff to respond to Defendants' motion for summary
4 judgment has expired, and he has not otherwise been in contact with the Court. Plaintiff will be
5 permitted one final opportunity to show cause why this action should not be dismissed with
6 prejudice.

7 Accordingly, it is HEREBY ORDERED that Plaintiff shall show cause by WRITTEN
8 RESPONSE within **twenty-one (21) days** of service of this order why this action should not be
9 dismissed, with prejudice, for failure to prosecute. Plaintiff may comply with the Court's order
10 by filing an opposition or statement of non-opposition to Defendants' July 21, 2020 motion for
11 summary judgment. **Plaintiff is warned that if he fails to comply with the Court's order, this**
12 **matter will be dismissed, with prejudice, for failure to prosecute.**

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14 IT IS SO ORDERED.

15 Dated: April 6, 2021

16 /s/ Barbara A. McAuliffe
17 UNITED STATES MAGISTRATE JUDGE
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