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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 DERRICK JESUS ODEN,

12 Plaintiff,

13 v.

14 STATE OF CALIFORNIA, et al.,

15 Defendants.

Case No. 1:14-cv-00873-LJO-BAM (PC)

ORDER REQUIRING PLAINTIFF TO FILE  
OPPOSITION OR STATEMENT OF NON-  
OPPOSITION TO DEFENDANTS' MOTION  
TO DISMISS

(ECF No. 42)

**TWENTY-ONE (21) DAY DEADLINE**

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18 Plaintiff Derrick Jesus Oden ("Plaintiff") is a state prisoner proceeding pro se and in  
19 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action currently  
20 proceeds on Plaintiff's third amended complaint against Defendants Acebedo, Swaim, and  
21 Thomas ("Defendants") for deliberate indifference to a serious risk in violation of the Eighth  
22 Amendment.

23 On October 16, 2017, Defendants filed a motion to dismiss Plaintiff's third amended  
24 complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which  
25 relief can be granted. (ECF No. 42.) Plaintiff's opposition was due on or before November 9,  
26 2017. To date, Plaintiff has not filed an opposition.

27 Pursuant to Local Rule 230(l), Plaintiff is HEREBY ORDERED to file an opposition or a  
28 statement of non-opposition to Defendants' motion within **twenty-one (21) days**. **Plaintiff is**

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

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4 IT IS SO ORDERED.

5 Dated: November 16, 2017

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