

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

TONY EDINBYRD,

Plaintiff,

Y.

DAVE DAVEY, et al.,

Defendants.

Case No. 1:15-cv-00529-LJO-BAM (PC)

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO MOTION FOR SUMMARY
JUDGMENT

(ECF No. 25)

THIRTY (30) DAY DEADLINE

Plaintiff Tony Edinbyrd (“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 third amended complaint against Defendants Rocha and Lazano for failure to protect Plaintiff from violence at the hand of other prisoners in violation of the Eighth Amendment.

On August 2, 2017, Defendants filed a motion for summary judgment. Fed. R. Civ. P. 56. (ECF No. 25.) Plaintiff was provided with notice of the requirements for opposing a motion for summary judgment. Woods v. Carey, 684 F.3d 934 (9th Cir. 2012); Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1988); Klingele v. Eikenberry, 849 F.2d 409, 411–12 (9th Cir. 1988). (ECF No. 25-1.) Plaintiff's opposition was due within twenty-one (21) days of service of Defendants' motion. More than thirty (30) days have passed, but Plaintiff has not filed an opposition or statement of non-opposition to the motion. Plaintiff also has not otherwise communicated with

1 the Court.

2 Pursuant to Local Rule 230(l), Plaintiff is HEREBY ORDERED to file an opposition or a
3 statement of non-opposition to Defendant's motion within **thirty (30) days**. **Plaintiff is warned**
4 **that the failure to comply with this order will result in dismissal of this action, with**
5 **prejudice, for failure to prosecute and failure to obey a court order.**

6 IT IS SO ORDERED.

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8 Dated: September 11, 2017

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

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