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6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 REAMEL CURTIS,

10 Plaintiff,¹

11 v.

12 J. GONZALES and J. BURGARIN,

13 Defendants.
14

Case No. 1:15-cv-00553-LJO-JDP

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

ORDER DIRECTING CLERK OF COURT
TO AMEND CASE CAPTION

15 **I. OPPOSITION TO DEFENDANTS' SUMMARY JUDGMENT MOTION**

16 Plaintiff Reamel Curtis is a state prisoner proceeding *in forma pauperis* in this civil rights
17 action brought under 42 U.S.C. § 1983. On April 26, 2018, defendants J. Gonzales and
18 J. Burgarin moved for summary judgment. (Doc. No. 66.) They served their motion on plaintiff
19 by mailing it to him at his last known address. (*Compare* Doc. No. 65, at 1, *with* Doc. No. 66, at
20 3.) Plaintiff had 21 days to oppose defendants' motion under Local Rule 230(l), but he failed to
21 do so.

22 Local Rule 230(l) provides that the failure to oppose a motion "may be deemed a waiver
23 of any opposition to the granting of the motion and may result in the imposition of sanctions."
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25 _____
26 ¹ The court will proceed with the understanding that "Curtis" is plaintiff's last name. Plaintiff
27 identified himself as "Curtis Reamel" in his objections to findings and recommendations denying
28 leave to file a second amended complaint. (Doc. No. 65.) However, complaints, deposition
transcripts, and various administrative documents identify him as "Reamel Curtis." (Doc. Nos. 1
(original complaint), 12 (first amended complaint), 57 (second amended complaint, 66-6, at 4
(deposition transcript), 66-4, at 8 (California Department of Corrections, committee action
summary), 66-4, at 10 (bed assignments).)

1 As a sanction, the court may treat the facts asserted by defendants as “undisputed for purposes of
2 the motion.” Fed. R. Civ. P. 56(e)(2). The court may also dismiss the case for plaintiff’s failure
3 to prosecute or failure to comply with a court order.

4 The court will allow plaintiff one more opportunity to oppose the motion for summary
5 judgment. Plaintiff must file a response to defendants’ motion for summary judgment by the
6 deadline set forth below and explain the reason for his delay. If plaintiff fails to do so, the court
7 will deem defendants’ motion unopposed, grant the motion on the merits, and dismiss the case.
8 Defendants need not file a response to plaintiff’s opposition to summary judgment absent an
9 order from the court.

10 **II. CASE CAPTION**

11 The case caption shows three defendants: J. Gonzales, J. Burgarin, and Martinez. The
12 court allowed plaintiff to proceed against defendants Gonzales and Burgarin; it did not allow him
13 to proceed against defendant Martinez. Defendant Martinez was apparently added to the case
14 caption because of typographical errors. (*See* Doc. Nos. 15, 20.) The court will direct the clerk
15 of court to remove defendant Martinez from the case caption.

16 **III. ORDER**

17 Accordingly,

- 18 1. By Monday, July 16, 2018, plaintiff Reamel Curtis must file an opposition to
19 defendants J. Gonzales and J. Burgarin’s motion for summary judgment.
- 20 2. The clerk of court is directed to amend the case caption to remove defendant Martinez
21 as a party.

22
23 IT IS SO ORDERED.

24 Dated: June 25, 2018

25 */s/ Jeremy D. Peterson*
26 UNITED STATES MAGISTRATE JUDGE
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