UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

STEPHEN HACKETT,

Plaintiff,

v.

TOOR,

Defendant.

Case No. 1:15-cv-00670-DAD-BAM (PC)

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

(ECF No. 36)

THIRTY (30) DAY DEADLINE

Plaintiff Stephen Hackett ("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 against Defendant Toor for deliberate indifference in violation of the Eighth Amendment regarding conduct in May to June 2016.

On October 23, 2017, Defendant Toor filed a motion for summary judgment. Fed. R. Civ. P. 56. (ECF No. 36.) 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. 36-1.) Plaintiff's opposition was due within twenty-one (21) days of service of Defendant's 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 the Court.

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

IT IS SO ORDERED.

Dated: **November 27, 2017**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE