

1 until July. After that time, he remained homeless and without income, and is currently residing at
2 a mental ward. (Id.)

3 Based on this filing, it is not clear to the Court whether Plaintiff intended to file a non-
4 opposition to the motion to dismiss, or whether he intends to proceed with this litigation.
5 Although the document is titled as a non-opposition, Plaintiff goes on to explain that he is seeking
6 representation, and to provide a justification for his failure to communicate with the Court in
7 recent months.

8 In light of Plaintiff's *pro se* status, the Court finds it appropriate to allow Plaintiff
9 additional time to clarify his intent, and to file an opposition to Defendants' motion to dismiss, if
10 he wishes to do so.

11 Accordingly, within **twenty-one (21) days** from the date of service of this order, Plaintiff
12 shall clarify, in writing, whether he does not oppose the granting of Defendants' motion to
13 dismiss, which may result in dismissal of this action, or whether he intends to proceed with the
14 litigation and participate to the best of his ability. **Plaintiff's failure to respond to the Court's**
15 **order will result in dismissal of this action for failure to obey a court order and failure to**
16 **prosecute.**

17 IT IS SO ORDERED.

18 Dated: October 3, 2018

19 /s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE
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