

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**

8 EASTERN DISTRICT OF CALIFORNIA

9 MICHAEL JACQUES,  
10

11 Plaintiff,

12 v.

13 J. LOPEZ, JR., et al.,

14 Defendants.  
15

Case No. 1:16-cv-01289-DAD-SAB (PC)

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

(ECF No. 37)

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

16 Plaintiff Michael Jacques is proceeding pro se and in forma pauperis in this civil rights  
17 action pursuant to 42 U.S.C. § 1983. This case proceeds against Defendants Lopez, Razo, Athie,  
18 and Garza for excessive force, against Defendant Vasquez for failing to intervene during the  
19 alleged use of excessive force, and against Defendant G. Aro for deliberate indifference to a  
20 serious medical need in violation of the Eighth Amendment.

21 On December 17, 2018, Defendants filed a motion for summary judgment under Federal  
22 Rule of Civil Procedure 56 on the grounds that there are no genuine issues of material fact in  
23 dispute, that Plaintiff's claims are barred by the favorable termination rule, that Defendants are  
24 entitled to judgment as a matter of law, and that Defendants are entitled to qualified immunity.  
25 (ECF No. 37.) Plaintiff was provided with notice of the requirements for opposing a motion for  
26 summary judgment. Woods v. Carey, 684 F.3d 934 (9th Cir. 2012); Rand v. Rowland, 154 F.3d  
27 952, 957 (9th Cir. 1988); Klinge v. Eikenberry, 849 F.2d 409, 411–12 (9th Cir. 1988). (ECF  
28 No. 37-2.)

1 Plaintiff's response was due within twenty-one (21) days of the date of service of  
2 Defendants' motion. That deadline has passed, but Plaintiff has not filed an opposition or  
3 statement of non-opposition to the motion, nor has he otherwise communicated with the Court.

4 Pursuant to Local Rule 230(l), Plaintiff is HEREBY ORDERED to file an opposition or a  
5 statement of non-opposition to Defendants' summary judgment motion within twenty-one (21)  
6 days.

7  
8 IT IS SO ORDERED.

9 Dated: January 17, 2019

  
UNITED STATES MAGISTRATE JUDGE