1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 ANTONIO MARTINEZ, Case No. 1:16-cv-01467-DAD-BAM (PC) 12 Plaintiff. ORDER REOUIRING PLAINTIFF TO FILE OPPOSITION OR STATEMENT OF NON-13 OPPOSITION TO DEFENDANT'S MOTION v. FOR SUMMARY JUDGMENT FOR 14 F. ROJAS, et al., **FAILURE TO EXHAUST** ADMINISTRATIVE REMEDIES 15 Defendants. (ECF No. 52) 16 TWENTY-ONE (21) DAY DEADLINE 17 18 Plaintiff Antonio Martinez is a state prisoner proceeding pro se and in forma pauperis in 19 this civil rights action pursuant to 42 U.S.C. § 1983. 20 On September 10, 2019, Defendant F. Rojas filed a motion for summary judgment for failure to exhaust administrative remedies. (ECF No. 52.) Plaintiff was provided with notice of 21 22 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 23 24 F.2d 409, 411–12 (9th Cir.1988). (ECF No. 52-1.) On October 7, 2019, Plaintiff's motion for a 60-day extension of time to file an opposition 25 26 to Defendant's summary judgment motion was docketed. (ECF No. 54.) On October 9, 2019, the Court granted in part Plaintiff's motion for an extension of time and ordered Plaintiff to file his 27 28 opposition to Defendant's summary judgment motion no later than thirty (30) days from the date

of service of the order. (ECF No. 55.) Therefore, Plaintiff's response to Defendant's motion for summary judgment was due on or before November 12, 2019. However, Plaintiff has not filed an opposition, or a statement of non-opposition, to Defendant's summary judgment motion or filed an extension of time to file a response to the motion. Accordingly, pursuant to Local Rule 230(1), Plaintiff is HEREBY ORDERED to file an opposition, or a statement of non-opposition, to Defendant's motion for summary judgment within twenty-one (21) days from the date of service of this order. Plaintiff is warned that the failure to comply with this order will result in a recommendation to dismiss this action for failure to prosecute and failure to obey a court order. IT IS SO ORDERED. Dated: **November 21, 2019**