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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTONIO MARTINEZ,
Plaintiff,
v.
F. ROJAS,
Defendant.

Case No. 1:16-cv-01467-DAD-BAM (PC)
**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO OBEY COURT ORDERS**
(ECF Nos. 52, 55, 57, 59)
FOURTEEN (14) DAY DEADLINE

Plaintiff Antonio Martinez is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

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 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); Klinge v. Eikenberry, 849 F.2d 409, 411–12 (9th Cir.1988). (ECF No. 52-1.)

On October 9, 2019, the Court granted Plaintiff a thirty-day extension of time to file an opposition to Defendant’s summary judgment motion. (ECF No. 55.) However, Plaintiff failed to file an opposition within the allotted time. Therefore, on November 21, 2019, the Court issued an order directing Plaintiff to file an opposition, or a statement of non-opposition, to Defendant’s motion for summary judgment within twenty-one days from the date of service of the order.

1 (ECF No. 57.)

2 In response to the Court's November 21, 2019 order, Plaintiff filed a motion for a second
3 extension of time. (ECF No. 58.) On December 9, 2019, the Court granted Plaintiff a second
4 thirty-day extension of time to file an opposition to Defendant's summary judgment motion.
5 (ECF No. 59.) Plaintiff's opposition, or statement of non-opposition, to Defendant's motion for
6 summary judgment was therefore due on or before Monday, January 13, 2020.

7 To date, Plaintiff has not filed an opposition, or statement of non-opposition, to
8 Defendant's motion for summary judgment, nor has Plaintiff otherwise communicated with the
9 Court. Plaintiff will be permitted one final opportunity to show cause why this action should not
10 be dismissed with prejudice.

11 Accordingly, it is HEREBY ORDERED that, within **fourteen (14) days** from the date of
12 service of this order, Plaintiff shall show cause in writing why the instant action should not be
13 dismissed for Plaintiff's failure to comply with the Court's October 9, 2019, November 21, 2019,
14 and December 9, 2019 orders and failure to prosecute. Plaintiff may comply with this order to
15 show cause by filing an opposition, or statement of non-opposition, to Defendant's motion for
16 summary judgment. **Plaintiff is warned that failure to comply with this order to show cause**
17 **will result in a recommendation to the District Judge that this action be dismissed for**
18 **failure to prosecute and failure to obey court orders.**

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20 IT IS SO ORDERED.

21 Dated: January 24, 2020

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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