

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HUMBERTO URQUIZA,  
Plaintiff,  
v.  
T. YODER,  
Defendant

| Case No. 1:16-cv-01563-LJO-MJS (PC)

**ORDER REQUIRING PLAINTIFF TO FILE  
OPPOSITION TO DEFENDANT'S MOTION  
TO DISMISS**

| (ECF No. 15)

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

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds on Plaintiff's Eighth Amendment claim against Defendant Yoder. (ECF No. 9.)

On October 16, 2017, Defendant filed a motion to dismiss Plaintiff's claim asserting that Plaintiff failed to exhaust administrative remedies available to him and that Defendant is, in any event, entitled to qualified immunity. (ECF No. 15.) Plaintiff has not filed an opposition or statement of non-opposition to Defendant's motion, and the time for doing so has passed. Local Rule 230().

The Court will give Plaintiff one further opportunity to respond to the motion: Plaintiff must file an opposition or a statement of non-opposition to Defendant's motion to

1      dismiss within twenty-one (21) days from the date of service of this Order. If Plaintiff fails  
2      to file an opposition or a statement of non-opposition to the motion, this action may be  
3      dismissed, with prejudice.

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5      IT IS SO ORDERED.

6      Dated: November 27, 2017

7      /s/ *Michael J. Seng*  
8      UNITED STATES MAGISTRATE JUDGE

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