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6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 TOY TERRELL SMITH,

10 Plaintiff,

11 v.

12 J. TORRES, *et al.*,

13 Defendants.
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Case No. 1:16-cv-01924-LJO-JDP

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

TWENTY-ONE-DAY DEADLINE

15 Plaintiff is a state prisoner proceeding without counsel in this civil rights action brought
16 under 42 U.S.C. § 1983. On July 20, 2018, defendant J. Acebedo moved for summary
17 judgment. (Doc. No. 39.) Plaintiff had twenty-one (21) days to oppose defendant's motion
18 under Local Rule 230(1), but he failed to do so.

19 Local Rule 230(1) provides that the failure to oppose a motion "may be deemed a
20 waiver of any opposition to the granting of the motion and may result in the imposition of
21 sanctions." As a sanction, the court may treat the facts asserted by defendant as "undisputed
22 for purposes of the motion." Fed. R. Civ. P. 56(e)(2). The court may also dismiss the case for
23 plaintiff's failure to prosecute or failure to comply with a court order.

24 The court will allow plaintiff one more opportunity to oppose the motion for summary
25 judgment. Plaintiff must file a response to defendant Acebedo's motion for summary judgment
26 within twenty-one (21) days of this order and explain the reason for his delay. If plaintiff fails
27 to do so, the court will deem defendant's motion unopposed, which could result in granting the
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1 motion on the merits. *See* Fed. R. Civ. P. 56(e)(3). Failure to comply with this order may also
2 result in dismissal of this action.

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4 IT IS SO ORDERED.

5 Dated: October 4, 2018


UNITED STATES MAGISTRATE JUDGE

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