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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 LAMAR SINGLETON, SR.,

12 Plaintiff,

13 vs.

14 DR. FORTUNE, et al.,

15 Defendants.  
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1:17-cv-00124-DAD-GSA-PC

**ORDER REQUIRING PLAINTIFF TO  
FILE OPPOSITION OR STATEMENT  
OF NON-OPPOSITION TO  
DEFENDANT FORTUNE'S MOTION  
FOR SUMMARY JUDGMENT  
(ECF No. 57.)**

**THIRTY-DAY DEADLINE**

18 Lamar Singleton, Sr., ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*  
19 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This case now proceeds  
20 with the First Amended Complaint filed on February 19, 2016, against defendant Fortune  
21 ("Defendant") on Plaintiff's medical claim pursuant to the Eighth Amendment. (ECF No. 25.)

22 On January 29, 2018, the court issued an order requiring the parties to notify the court  
23 whether a settlement conference would be beneficial at this time. (ECF No. 60.) On January  
24 31, 2018, Defendant responded, advising the court that he does not believe in good faith that a  
25 settlement in this case is a possibility at this time. (ECF No. 61.) The court will not schedule a  
26 settlement conference without assurances by all of the parties that they are willing to participate  
27 and believe, in good faith, that settlement in this case is more than a remote possibility.  
28 Therefore, a settlement conference shall not be scheduled by the court at this time.

1 On January 23, 2018, defendant Fortune filed a motion for summary judgment. (ECF  
2 No. 57.) Plaintiff was required to file an opposition or a statement of non-opposition to the  
3 motion within twenty-one days, but has failed to do so. Local Rule 230(l).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Within **thirty (30) days** from the date of service of this order, Plaintiff must file  
6 an opposition or a statement of non-opposition to Defendant Fortune's motion  
7 for summary judgment; and
- 8 2. Plaintiff's failure to comply with this order shall result in a recommendation that  
9 this case be dismissed for failure to obey the court's order and failure to  
10 prosecute.

11 IT IS SO ORDERED.

12 Dated: **March 23, 2018**

13 **/s/ Gary S. Austin**  
14 UNITED STATES MAGISTRATE JUDGE