UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAMAR SINGLETON, SR.,

Plaintiff,

vs.

DR. FORTUNE, et al.,

Defendants.

1:17-cv-00124-DAD-GSA-PC

ORDER FOR CLERK TO SEND PLAINTIFF A COPY OF DEFENDANT FORTUNE'S MOTION FOR SUMMARY JUDGMENT FILED ON JANUARY 23, 2018.
(ECF No. 57.)

THIRTY-DAY DEADLINE FOR PLAINTIFF TO FILE RESPONSE TO MOTION FOR SUMMARY JUDGMENT

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

On April 5, 2018, Plaintiff filed a notice informing the court that he did not receive a copy of the motion for summary judgment filed by defendant Fortune on January 23, 2018. (ECF No. 68.) The court's record shows that defense counsel served Plaintiff a copy of the motion for summary judgment on January 23, 2018, at Plaintiff's address of record at California State Prison-Los Angeles in Lancaster, California. (ECF No. 57-8.)

Something unforeseen may have interfered with service of the motion for summary judgment upon Plaintiff. Therefore, the Clerk of Court shall be directed to send Plaintiff a copy of the motion (ECF No. 57). Plaintiff shall be required to file a response to the motion for summary judgment within thirty days.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk is directed to send Plaintiff a copy of the motion for summary judgment filed by defendant Fortune on January 23, 2018 (ECF No. 57);
2. Within thirty days from the date of service of this order, Plaintiff is required to file a response to the motion for summary judgment;
3. Plaintiff's failure to comply with this order shall result in a recommendation that this case be dismissed for failure to comply with a court order.

IT IS SO ORDERED.

Dated: **April 9, 2018** **/s/ Gary S. Austin**
UNITED STATES MAGISTRATE JUDGE