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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 ELVIS VENABLE,

12 Plaintiff,

13 v.

14 DR. PATEL,

15 Defendant.
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Case No. 1:17-cv-01519-AWI-BAM (PC)

ORDER DIRECTING PLAINTIFF TO FILE
AN OPPOSITION OR STATEMENT OF
NON-OPPOSITION TO DEFENDANT'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT

(ECF No. 28)

TWENTY-ONE (21) DAY DEADLINE

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

20 On July 11, 2019, Defendant Patel filed a motion for partial summary judgment on
21 Plaintiff's claim for damages related to mental and emotional injuries resulting from Defendant's
22 alleged conduct. (ECF No. 28.)

23 Plaintiff's opposition was due not more than twenty-one (21) days after the date of service
24 of Defendant's motion. Local Rule 230(l). However, more than twenty-one days have passed since
25 Defendant served his motion for partial summary judgment, but Plaintiff has not filed an opposition
26 or statement of non-opposition to the motion. Also, Plaintiff has not otherwise communicated with
27 the Court.

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1 Therefore, pursuant to Local Rule 230(l), Plaintiff is HEREBY ORDERED to file an
2 opposition, or a statement of non-opposition, to Defendant's motion for partial summary judgment
3 within **twenty-one (21) days** from the date of service of this order. If Plaintiff fails to file an
4 opposition, or a statement of non-opposition, within the allotted time, Defendant's motion for
5 partial summary judgment will be deemed submitted for decision and the Court will view all of the
6 facts set forth in Defendant's motion for partial summary judgment as undisputed pursuant to
7 Federal Rule of Civil Procedure 56(e)(2).

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9 IT IS SO ORDERED.

10 Dated: August 19, 2019

/s/ Barbara A. McAuliffe
11 UNITED STATES MAGISTRATE JUDGE
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