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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CURTIS MILLER,

Plaintiff,

v.

B. CATES, FAYE MONTEGRANDE,
OLUFEMI OWOLABI, U. BANGIA,

Defendants.

Case No. 1:20-cv-1243-HBK (PC)

ORDER TO FILE RESPONSE OR MOTION
DEEMED SUBMITTED AND UNOPPOSED

FOURTEEN-DAY DEADLINE

This matter comes before the Court upon periodic review of the file. On November 3, 2022, Defendants filed a motion to dismiss. (Doc. No. 23). Local Rule 230 requires a party in a prisoner action to file opposition to any motion within twenty-one (21) days from the date of service of the motion. *See* L.R. 230(l). Defendants certify they placed the motion in the mail on November 3, 2023. (Doc. No. 23 at 11). As of the date of this order, Plaintiff has not filed an opposition to Defendants’ motion to dismiss and the time to do so has expired. The failure of the responding party to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion. L.R. 230(l).

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Accordingly, it is **ORDERED**:

Because the twenty-one-day period has expired, the Court will deem Defendants’ motion

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to dismiss submitted within **fourteen (14) days** from the date on this Order. Absent any
opposition by Plaintiff, the motion shall be deemed unopposed.

Dated: January 19, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE