

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTOR WYATT,

Plaintiff, No. CIV S-05-2025 EFB P

VS.

CITY OF CHICO POLICE DEPT, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. This case is before the undersigned pursuant to the parties' consent. See 28 U.S.C. § 636(c).

On December 10, 2008, defendant Palmer filed a motion for summary judgment. *See* Fed. R. Civ. P. 56. On March 6, 2009, the court informed plaintiff that failure to file a written opposition or a statement of no opposition may be deemed a waiver of any opposition to the motion, gave plaintiff 20 days to file an opposition or statement of non-opposition and warned him that failure to do so could result in dismissal. *See* Fed. R. Civ. P. 41(b). The 20 days have passed and plaintiff has not filed an opposition or a statement of no opposition and has not otherwise responded to the March 6, 2009 order.

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1 Accordingly, this action is DISMISSED without prejudice. Fed. R. Civ. P. 41(b).

2 Dated: April 1, 2009.

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4 EDMUND F. BRENNAN
5 UNITED STATES MAGISTRATE JUDGE

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