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

10 VICTOR WYATT,

11 Plaintiff,

No. CIV S-05-2025 EFB P

12 vs.

13 CITY OF CHICO POLICE DEPT, et al.,

14 Defendants.

ORDER

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

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

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

Dated: April 1, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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