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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 TO SHOW CAUSE

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On January 13, 2009, the court granted plaintiff a 30-day extension of time to file and serve an opposition to defendant Palmer’s December 10, 2008 motion for summary judgment. *See* Fed. R. Civ. P. 6(b). The 30-day period passed and plaintiff failed to file an opposition brief. Therefore, on March 6, 2009, the court ordered plaintiff to, within 20 days, file either an opposition to the motion for summary judgment or a statement of no opposition. The court also warned plaintiff that failure to comply with the order would result in dismissal of this action. The 20-day period passed and plaintiff failed to file either an opposition or a statement of no opposition. Accordingly, on April 1, 2009, the court dismissed this action and judgment was duly entered. On the same day, however, plaintiff filed an untimely opposition to defendant Palmer’s motion for summary judgment.

1 It therefore is ORDERED that plaintiff has 20 days from the date of this order to show
2 cause why the court should vacate its judgment and consider plaintiff's untimely opposition
3 brief. *See* Fed. R. Civ. P. 6(b). If plaintiff fails to comply with this order, this case will remain
4 closed pursuant to the judgment entered April 1, 2009.

5 Dated: April 13, 2009.

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8 EDMUND F. BRENNAN
9 UNITED STATES MAGISTRATE JUDGE
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