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

AMILCAR GUEVARA,

Plaintiff,

No. 2:09-cv-1132 FCD KJN P

vs.

A. Ralls, et al.,

Defendants.

ORDER

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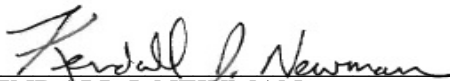
On May 11, 2011, plaintiff was ordered to show cause why his claims against defendant Ralls are not barred. (Dkt. No. 101.) On May 11, 2011, defendant Ralls filed a motion for summary judgment. (Dkt. No. 102.) Twenty-one days have now passed, and plaintiff has not filed a response to the order to show cause, or filed an opposition to defendant Ralls' motion.

However, on May 23, 2011, plaintiff filed a motion for extension of time to file objections to the May 4, 2011 findings and recommendations. Plaintiff stated he was not in possession of his legal materials, as they were taken from him in anticipation of a prison transfer that did not take place. Accordingly, plaintiff will be granted an extension of time in which to respond to the order to show cause and to file an opposition to defendant Ralls' motion. Plaintiff is cautioned that failure to oppose defendant Ralls' motion will be deemed as consent to have

1 the: (a) pending motion granted; (b) plaintiff's claims against defendant Ralls dismissed for lack  
2 of prosecution; and (c) plaintiff's claims against defendant Ralls dismissed based on plaintiff's  
3 failure to comply with these rules and a court order. See Local Rules 230(l) & 110; Fed. R. Civ.  
4 P. 41(b).<sup>1</sup>

5 Good cause appearing, IT IS HEREBY ORDERED that plaintiff is granted thirty  
6 days from the date of this order in which to respond to the May 11, 2011 order to show cause,  
7 and to file an opposition to defendant Ralls' motion for summary judgment.

8 DATED: June 21, 2011

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11 KENDALL J. NEWMAN  
12 UNITED STATES MAGISTRATE JUDGE

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12 guev1132.ext

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21 <sup>1</sup> Rule 41(b) of the Federal Rules of Civil Procedure provides:

22 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute  
23 or to comply with these rules or a court order, a defendant may  
24 move to dismiss the action or any claim against it. Unless the  
25 dismissal order states otherwise, a dismissal under this subdivision  
26 (b) and any dismissal not under this rule--except one for lack of  
jurisdiction, improper venue, or failure to join a party under Rule  
19--operates as an adjudication on the merits.

26 Id.