(PC) Sargent	nt v. Statti II	
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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10	CLARENCE SARGENT,	
11	Plaintiff, No. CIV S-09-1472 MCE GGH P	
12	VS.	
13	P. STATTI, et al.,	
14	Defendants. <u>ORDER</u>	
15	/	
16	On May 12, 2010, defendants filed a motion to dismiss this action to which	
17	plaintiff has not filed any response. However, the motion indicates service upon plaintiff onl	y at
18	High Desert State Prison while plaintiff served a notice of change of address on May 17, 201	0
19	(by application of the mailbox rule) to Salinas Valley State Prison.	
20	Accordingly, IT IS HEREBY ORDERED that:	
21	1. Defendants are to file an amended proof of service within seven days show	ing
22	that the motion to dismiss has been re-served upon plaintiff at his current address: Salinas Va	lley
23	State Prison;	
24	2. Plaintiff will have twenty-eight days from the date of re-service to file his	
25	response to the motion; and	
26	\\\\\	
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3. Plaintiff's failure to file an opposition to the motion timely will be deemed a waiver of opposition to the motion. See Order, filed on October 30, 2009, ¶ 7 (Docket # 43). DATED: July 9, 2010 /s/ Gregory G. Hollows GREGORY G. HOLLOWS UNITED STATES MAGISTRATE JUDGE GGH:009 sarg1472.rsv