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

KARL VANDERVALL,

Plaintiff,

No. CIV S-09-1576 GEB DAD P

vs.

J. FELTNER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983.

On April 7, 2011, defendants Feltner and Machado filed a motion for summary judgment, arguing that they are entitled to judgment in their favor as a matter of law with respect to plaintiff's retaliation claims. Plaintiff failed to file an appropriate response to defendants' motion even after repeated orders issued by this court instructing him on how to file an opposition to defendants' motion. Accordingly, on October 12, 2011, the undersigned issued findings and recommendations, recommending that this action be dismissed due to plaintiff's failure to prosecute this case. Plaintiff then filed timely objections to the findings and recommendations complaining that it is not his fault that he cannot file an opposition to defendants' motion. According to plaintiff, he is housed in the Security Housing Unit at his

1 institution of confinement, and prison officials are refusing to transfer him to housing where he
2 can obtain assistance on this matter.

3 Plaintiff is reminded that he filed this civil rights action and has a duty to
4 diligently prosecute this case in good faith. At this time, the court will not vacate the pending
5 findings and recommendations. However, in the interest of justice, the court will grant plaintiff a
6 final thirty days to file an opposition to defendants' motion for summary judgment. If plaintiff
7 fails to do so, the court will forward the pending findings and recommendations recommending
8 dismissal to the assigned district judge.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted a final thirty
10 days from the date of service of this order to file an opposition to defendants' motion for
11 summary judgment.

12 DATED: November 28, 2011.

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16 DALE A. DROZD
17 UNITED STATES MAGISTRATE JUDGE

15 DAD:9
16 vand1576.opp(2)