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

ROBERT E. STEPHENSON,

Plaintiff,

No. 2:10-cv-0238 AC P

vs.

M. MARTEL, *et al.*,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff is a state prisoner proceeding in pro per and seeking relief pursuant to 42 U.S.C. § 1983.<sup>1</sup> On April 11, 2013, following review of the parties' pretrial statements, the undersigned issued an order to show cause why summary judgment should not be entered for defendants in light of plaintiff's failure to meet his burden of proof on his Eighth Amendment claim. ECF No. 77. Plaintiff has not responded to the court order.

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<sup>1</sup> This action is proceeding before the undersigned pursuant to the parties' consent. ECF Nos. 5, 58.

1                   Accordingly, for the reasons set forth in the court's April 11, 2013 order and after  
2 giving plaintiff notice and a reasonable time to respond, IT IS HEREBY ORDERED that:

- 3                   1. The April 11, 2013 order to show cause is vacated;  
4                   2. Judgment is entered for defendants pursuant to Federal Rule of Civil  
5 Procedure 56(f); and  
6                   3. This case is closed.

7 DATED: June 18, 2013

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10                  ALLISON CLAIRE  
11                  UNITED STATES MAGISTRATE JUDGE

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