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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE JAMAL ROBINSON,  
Plaintiff,  
v.  
MATTHEW CATE, et al.,  
Defendants.

No. 2:11-cv-2555 MCE AC P

ORDER

By order filed January 24, 2017, plaintiff was accorded until February 10, 2017 to file and serve an opposition to defendant’s motion for summary judgment. See ECF No. 103. This extended date has passed but plaintiff has not filed an opposition or otherwise communicated with the court. The court has reviewed petitioner’s January 11, 2017 request for extended time which provides in part, ECF No. 102 at 2-3:

Plaintiff did file an untimely opposition to defendant’s second motion for summary judgment on or about December 18, 2016, and was unable to access the law library to make a copy and serve on the defendant. . . . Plaintiff respectfully requests this court to . . . Accept untimely opposition to defendant’s second motion for summary judgment.

Plaintiff is informed that the court is not in receipt of his opposition. Plaintiff’s last filing, prior to January 11, 2017, was on March 30, 2016 (ECF No. 95).

Due to the importance of the issues presented in this case, plaintiff will be accorded one

1 final opportunity to oppose defendant's motion for summary judgment. Failure to timely file  
2 such opposition will result in the dismissal of this action with prejudice for failure to prosecute.  
3 See Fed. R. Civ. P. 41(b).

4 Accordingly, IT IS HEREBY ORDERED that:

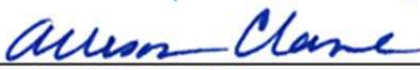
5 1. On or before March 10, 2017, plaintiff shall file his opposition to defendant's pending  
6 motion for summary judgment (plaintiff need not serve a copy of his opposition on defendant).

7 2. Within seven (7) days after plaintiff's opposition has been filed in CM/ECF (see Local  
8 Rule 230(1)), defendant: (a) *may* file and serve a reply, and (b) *shall* file and serve a statement  
9 indicating whether he is amenable to convening a settlement conference to resolve plaintiff's  
10 remaining requests for injunctive relief.

11 3. Should plaintiff fail to timely file an opposition to defendant's pending motion for  
12 summary judgment, this action will be dismissed with prejudice under Federal Rule of Civil  
13 Procedure 41(b).

14 SO ORDERED.

15 DATED: February 22, 2017

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17 ALLISON CLAIRE  
18 UNITED STATES MAGISTRATE JUDGE  
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