

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLEY McMURTRY,
Plaintiff,
v.
HU, et al.,
Defendants.

No. 2:12-cv-00103 DAD P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned magistrate judge for all purposes pursuant to 28 U.S.C. § 636(c), and Local Rule 305(a). (See ECF No. 6.)

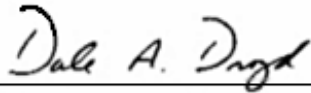
On May 29, 2014, defendants filed and served a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. (ECF No. 39.) On July 1, 2014, this court directed plaintiff to file and serve, within 21 days, an opposition, or statement of non-opposition, responsive to defendants’ pending motion for summary judgment. (ECF No. 40.) The court also informed plaintiff that failure to comply with the court’s order would result in the dismissal of this action without prejudice pursuant Federal Rule of Civil Procedure 41(b).” (Id. at 2-3.) More than 21 days have passed, and plaintiff has not responded to the court’s order, or otherwise communicated with the court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

1. This action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b); and
2. The Clerk of Court is directed to close this case.

Dated: July 29, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:4
mcmu0103.dsms.