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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILTON SYKES,
Plaintiff,
v.
ATHANNASIOUS, et al.,
Defendants.

No. 2:12-cv-2570 TLN KJN P
ORDER and ORDER TO SHOW CAUSE

Plaintiff Milton Sykes is a state prisoner proceeding in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983 and California state law. Plaintiff is represented by court-appointed counsel.

On October 27, 2015, defendant Dr. Khaira filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (ECF No. 119.) A hearing on the motion is currently set for December 10, 2015, at 10:00 a.m., before the undersigned. Pursuant to Local Rule 230(c), plaintiff was required to file and serve an opposition or statement of non-opposition fourteen days prior to the date of the hearing. However, to date plaintiff has not opposed the motion.

Good cause appearing, IT IS HEREBY ORDERED that:

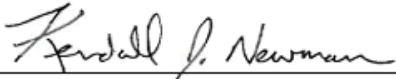
1. The hearing currently set for December 10, 2015, at 10:00 a.m., is vacated.
2. Within fourteen days of the date of filing of this order, plaintiff shall show cause, in writing, why defendant Khaira’s motion to dismiss should not be granted.

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3. Within fourteen days of the date of filing of this order, plaintiff shall file an opposition or statement of non-opposition to defendant Khaira's motion to dismiss. Defendant Khaira's reply, if any, shall be due seven days thereafter.

Dated: December 1, 2015

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE