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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 JOSHUA SMITH,

12 Plaintiff,

13 v.

14 NOEMI MONTEMAYOR,

15 Defendant.  
16


No. 2:13-cv-1070 AC P

ORDER

17 Plaintiff is a former state prisoner proceeding pro se and in forma pauperis with a civil  
18 rights action pursuant to 42 U.S.C. § 1983. On January 13, 2015, defendants filed a motion for  
19 summary judgment. ECF No. 24. Plaintiff has not opposed the motion.

20 Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days after the  
21 filing date of this order, plaintiff shall file and serve an opposition to the motion for summary  
22 judgment or a statement of non-opposition. Failure to comply with this order will result in the  
23 dismissal without prejudice of this action for failure to prosecute pursuant to Federal Rule of Civil  
24 Procedure 41(b).

25 DATED: March 9, 2015

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27 ALLISON CLAIRE  
28 UNITED STATES MAGISTRATE JUDGE