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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNY R. GARCIA,  
Plaintiff,  
v.  
C/O HEATH, et al.,  
Defendants.

No. 2:13-cv-1952 JAM AC P

ORDER

On August 28, 2015, defendants filed a motion for summary judgment premised on plaintiff’s alleged failure to exhaust his administrative remedies before commencing this action. See ECF No. 41. Plaintiff has not responded to defendants’ motion for summary judgment, which was due within twenty-one days after service of the motion.<sup>1</sup> See Local Rule 230(l).

Good cause appearing, IT IS HEREBY ORDERED that within twenty-one days after the filing date of this order, plaintiff shall file and serve an opposition to the motion for summary judgment or a statement of non-opposition thereto. See Local Rule 230(l). Failure of plaintiff to

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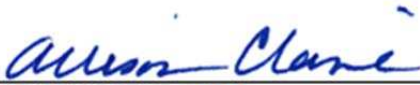
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<sup>1</sup> Although plaintiff’s “Index” of exhibits was filed on August 31, 2015, the document was prepared prior to service of defendants’ motion and is not responsive to the motion. See ECF No. 42.

1 comply with this order will result in the dismissal of this action without prejudice for failure to  
2 prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

3 DATED: October 6, 2015

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5 ALLISON CLAIRE  
6 UNITED STATES MAGISTRATE JUDGE  
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