1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 BRIAN SPEARS, No. 2:15-cv-0165 MCE AC P 12 Plaintiff, 13 **ORDER** v. 14 BRUCE BENTON, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States 18 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On September 14, 2021, defendant El Dorado County filed a motion to dismiss. ECF No. 21 54. To date, plaintiff has neither opposed nor responded to defendant's motion, nor has he filed 22 an extension of time to do so. 23 The Local Rules require that any opposition to a motion is to be served and filed within 24 twenty-one days of the date of service of the motion. See L.R. 230(1). The Local Rules also state 25 that motions are to be deemed submitted when the time to reply has expired. See id. However, in 26 the interests of justice, prior to ruling on this matter, plaintiff shall first be ordered to show cause 27 why defendant's motion to dismiss should not be granted. //// 28 1

Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of this order, plaintiff shall show cause why defendant El Dorado County's motion to dismiss should not be granted.

Plaintiff is warned that failure to respond to the court's order may result in a recommendation that either defendant's motion to dismiss be granted or a recommendation that this action be dismissed for failure to prosecute and/or failure to comply with a court order. See Fed. R. Civ. P. 41(b); L.R. 110.

DATED: October 14, 2021

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE