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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE JUAREZ,  
Plaintiff,  
v.  
M. HLAING,  
Defendant.

No. 2:15-cv-1996 JAM DB P

ORDER

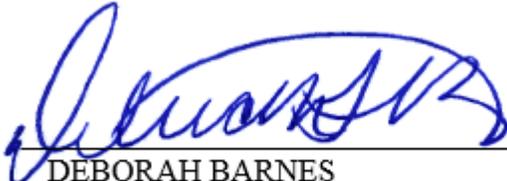
Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff contends defendant Hlaing failed to provide him adequate pain medication in violation of his Eighth Amendment rights. On October 2, 2017, defendant Hlaing filed a motion to dismiss. (ECF No. 41.) In the court’s July 18, 2017 order, plaintiff was advised that motions shall be briefed pursuant to Local Rule 230(l). (ECF No. 35 at 3.) According to Local Rule 230(l), opposition to a motion to dismiss must be filed “not more than twenty-one (21) days after the date of service of the motion.” More than twenty-one days have passed since defendant Hlaing served the motion to dismiss and plaintiff has not filed an opposition or otherwise responded to the motion.

In the July 18 order, plaintiff was warned that the failure to file a timely opposition to a motion to dismiss, “may be deemed a waiver of opposition to the motion.” (ECF No. 35 at 3.) Plaintiff will be given an additional thirty days to file an opposition to the motion. Plaintiff is

1 warned that if he fails to do so, the court may recommend dismissal of this action for his failure to  
2 comply with court orders. See E.D. Cal. R. 110; Fed. R. Civ. P. 41(b).

3 Accordingly, IT IS HEREBY ORDERED that within thirty days of this order, plaintiff shall  
4 file an opposition to the motion to dismiss. If plaintiff fails to do so, this court may recommend  
5 this case be dismissed without prejudice.

6 Dated: November 26, 2017

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9 DEBORAH BARNES  
10 UNITED STATES MAGISTRATE JUDGE

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