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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KARL F. WICHELMAN,  
Plaintiff,  
v.  
CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,  
Defendant.

No. 2:16-cv-1123-KJM-EFB PS

ORDER

On December 8, 2016, defendant filed a motion to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(1). ECF No. 21. Thereafter, the court issued a minute order directing plaintiff to file an opposition to the motion on or before January 4, 2017. ECF No. 22. When the deadline had passed and plaintiff failed to file an opposition or statement of non-opposition to the pending motion, the court directed him to file his opposition not later than February 8, 2017, and to show cause why sanctions should be imposed for his failure to comply. ECF No. 30. Plaintiff now requests a forty-five day extension of time to file his opposition to defendant’s motion to dismiss.

It is hereby ORDERED that:

- 1. Plaintiff’s request for an extension of time (ECF No. 31) is granted.

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2. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto, no later than March 29, 2017.

3. Defendant may file a reply to plaintiff's opposition, if any, on or before April 12, 2017.

4 Failure to timely file an opposition to the motion will be deemed a statement of non-opposition thereto, and may result in a recommendation that this action be dismissed for lack of prosecution and/or for failure to comply with court orders and this court's Local Rules. *See Fed. R. Civ. P. 41(b).*

DATED: February 9, 2017.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE