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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARON LUCIEN,
Plaintiff,
v.
WOODEN,
Defendant.

No. 2:16-cv-2595 WBS DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action under 42 U.S.C. § 1983. Plaintiff alleges he was subjected to cruel and unusual punishment when he was forced to sit in a holding cage until he urinated for urinalysis testing. On February 5, 2019, defendant filed a motion for summary judgment. On March 15, 2019, when plaintiff had not filed an opposition, the court ordered plaintiff to file an opposition within twenty days. (ECF No. 45.) The court warned plaintiff that if he failed to file an opposition, this court would recommend dismissal of this action.

On April 8, 2019, plaintiff requested an extension of time to file an opposition. The court granted plaintiff a 45-day extension of time from the date of the order, April 11, 2019. (ECF No. 47.) On June 11, well after forty-five days had passed, plaintiff had not filed an opposition to the summary judgment motion or otherwise responded to the court's April 11 order. The court then

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1 recommended dismissal of this action based on plaintiff's failure to comply with court orders.
2 (ECF No. 48.)

3 In a document filed June 19, plaintiff requests another extension of time. (ECF No. 49.)
4 Plaintiff does not request a certain time period nor does he show any sort of extraordinary
5 circumstance that has prevented him from filing an opposition in the four months since defendant
6 filed his motion. Nonetheless, given plaintiff's status as a pro se prisoner, the court will grant
7 plaintiff one, final extension of time. Plaintiff is warned that if he fails to file an opposition to the
8 summary judgment motion within the next thirty days, this court will recommend dismissal of
9 this action. No further extensions of time will be granted absent a showing of extraordinary
10 circumstances.

11 Accordingly, IT IS HEREBY ORDERED as follows:

- 12 1. The findings and recommendations filed June 11, 2019 (ECF No. 48) are vacated.
- 13 2. Plaintiff's motion for an extension of time (ECF No. 49) is granted.
- 14 3. Within thirty days from the filed date of this order, plaintiff shall file his opposition to
15 defendant's motion for summary judgment. If plaintiff fails to do so, this court will
16 recommend the district court dismiss this action.

17 Dated: July 2, 2019

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21 DEBORAH BARNES
22 UNITED STATES MAGISTRATE JUDGE

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