1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 WESTLEY ELVIS PEDEN, No. 2:17-cv-707-EFB 12 Plaintiff. 13 **ORDER** v. 14 NANCY A. BERRYHILL, Acting Commissioner of Social Security, 15 Defendant. 16 17 18 Defendant moved to dismiss plaintiff's complaint pursuant to Federal Rule of Civil 19 Procedure 12(b)(6). ECF No. 12. Plaintiff was directed to file an opposition or statement of non-20 opposition to defendant's motion by September 13, 2017, but failed to do so. ECF No. 13. 21 Accordingly, plaintiff was ordered, by no later than February 2, 2018, to show cause why 22 sanctions should not be imposed for his failure to file an opposition or statement of non-23 opposition. ECF No. 15. He was also ordered to file an opposition or statement of non-24 opposition to the pending motion by February 2, 2018, and admonished that failure to do so could 25 result in dismiss of this action for lack of prosecution and/or failure to comply with court orders. 26 Id.27 The deadline has passed and plaintiff has not filed an opposition or statement of non-28 opposition to defendant's motion, nor otherwise responded to the court's order to show cause. 1

1	Accordingly, it is hereby ORDERED that this action is dismissed for failure to prosecute
2	and failure to comply with court orders. See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110.
3	DATED: February 15, 2018.
4	Elmins F. Bilms
5	EĎMUND F. BŘĚNNAN UNITED STATES MAGISTRATE JUDGE
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