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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

COLEMAN KENYATTA SMITH, Jr.,
Plaintiff,
v.
J. GROVE, *et al.*,
Defendants.

Case No. 2:18-cv-02549-TLN-JDP (PC)
ORDER DENY PLAINTIFF’S MOTION FOR
PAPERWORK, GRANTING HIM
FOURTEEN DAYS TO RESPOND TO
DEFENDANTS’ MOTION FOR SUMMARY
JUDGMENT, AND HOLDING THE
NOVEMBER 5, 2021 FINDINGS AND
RECOMMENDATIONS IN ABEYANCE

On July 30, 2021, defendants filed a motion for summary judgment. ECF No. 37. In violation of Local Rule 230(1), plaintiff failed to timely file a response. Accordingly, on September 16, 2021, I ordered plaintiff to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to comply with the court’s local rules. ECF No. 40. I notified him that if he wished to continue this lawsuit, he also needed to file either an opposition or statement of non-opposition to defendants’ motion. *Id.*

After plaintiff failed to timely respond to that order, I recommended that this action be dismissed for failure to prosecute and failure to comply with court orders. ECF No. 41. I also notified the parties that any objections to that recommendation were to be filed within fourteen

1 days. No objections were filed. However, plaintiff has since filed a document that asks the court
2 to send him the paperwork needed to proceed with this suit. ECF No. 42.

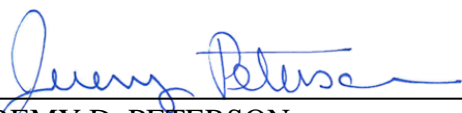
3 Plaintiff's request is too vague to apprise the court of documents he is attempting to
4 obtain. The motion is therefore denied. However, in light of plaintiff's filing, I will grant
5 plaintiff one final opportunity to file a response to defendants' motion for summary judgment.
6 Should he again fail to file an opposition or statement of non-opposition to defendants' motion,
7 the November 5, 2021 findings and recommendations will be submitted to the district judge for
8 consideration.

9 Accordingly, it is hereby ORDERED that:

- 10 1. Plaintiff's request for paperwork is construed as a motion and, so construed, is denied.
- 11 2. The November 5, 2021 findings and recommendations, ECF No. 41, are held in
12 abeyance.
- 13 3. Within fourteen days of the date of this order, plaintiff shall file either an opposition or
14 statement of non-opposition to defendants' motion for summary judgment. *See* ECF No. 37.
- 15 4. Should plaintiff fail to timely file a response to defendants' motion, the November 5,
16 2021 findings and recommendations will be submitted to the district judge for consideration.

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18 IT IS SO ORDERED.

19 Dated: December 21, 2021

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21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
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