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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRES C. HERNANDEZ,

Plaintiff,

v.

PATRICK COVELLO, et al.,

Defendants.

No. 2:21-cv-01948 DB P

ORDER

Plaintiff is a former<sup>1</sup> state prisoner proceeding pro se and in forma pauperis with this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. On September 29, 2023, defendant filed a motion to dismiss. (ECF No. 30.) Plaintiff’s opposition or statement of non-opposition was due not later than twenty-one days after the date of service of defendant’s motion. E.D. Loc. R. 230(l). Those twenty-one days have passed, and plaintiff has not filed a response to the motion to dismiss.

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<sup>1</sup> The California Department of Corrections and Rehabilitation’s inmate locator system located at <http://inmatelocator.cdcr.ca.gov> reflects that plaintiff is not presently in custody. The court may take judicial notice of information stored on the California Department of Corrections and Rehabilitation inmate locator website. See *In re Yahoo Mail Litig.*, 7 F. Supp. 3d 1016, 1024 (N.D. Cal. 2014) (a court may take judicial notice of information on “publicly accessible websites” not subject to reasonable dispute); *Louis v. McCormick & Schmick Restaurant Corp.*, 460 F. Supp. 2d 1153, 1155 fn.4 (C.D. Cal. 2006) (court may take judicial notice of state agency records).

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IT IS HEREBY ORDERED that:

1. Within thirty days of the date of this order, plaintiff shall either file an opposition or statement of non-opposition to the motion to dismiss (ECF No. 30) or show cause in writing why this case should not be dismissed for failure to prosecute and failure to comply with court orders; and
2. Failure to comply with this order will result in a recommendation that this action be dismissed.

Dated: November 14, 2023



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DB: 15  
DB/DB Prisoner Inbox/Civil Rights/R/hern1948.show.cause