

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HILTON KARRIEM MINCY,	:	CIVIL ACTION NO. 1:08-CV-0507
	:	
Plaintiff,	:	(Judge Conner)
	:	
v.	:	
	:	
WARDEN DEPARLOS, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 3rd day of November, 2010, upon consideration of defendants' motion for summary judgment pursuant to Federal Rule of Civil Procedure 56 (Doc. 57), and it appearing that as of the date of this order plaintiff has not filed a brief in response to the motion, see L.R. 7.6 ("Any party opposing any motion shall file a responsive brief . . . [or] shall be deemed not to oppose such motion."), or responded to defendants' statement of material facts (Doc. 58), see L.R. 56.1 ("The papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts, responding to the numbered paragraphs set forth in the statement [of material facts filed by the moving party] . . . , as to which it is contended that there exists a genuine issue to be tried."), and it further appearing that plaintiff has previously been ordered to comply with Local Rules 7.6 and 56.1 (Doc. 80), it is hereby ORDERED that:

1. Plaintiff is afforded a final opportunity to file a brief in response to defendants' motion in accordance with L.R. 7.6, and a response to the statement of material facts in accordance with L.R. 56.1 on or before November 16, 2010.
2. Failure to comply with this order may result in the motion being deemed unopposed or dismissal of this case for failure to prosecute. See FED. R. CIV. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (interpreting Federal Rule of Civil Procedure 41(b) as permitting *sua sponte* dismissals by the court); Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge