UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NORBERT MAURICE PAYTON, Plaintiff, v. MONTGOMERY, Defendant.	No. 2:22-cv-1177 DJC AC P ORDER

On May 12, 2025, defendants filed a Motion to Dismiss and served plaintiff. ECF No. 36. On June 25, 2025, the court received plaintiff's notice of change of address. ECF No. 39. On July 21, 2025, the court construed plaintiff's notice of change of address as a motion for an extension of time and granted plaintiff thirty days from the date of the order to file and serve an opposition to the motion to dismiss or statement of non-opposition. ECF No. 40 at 5. Plaintiff was warned that "[f]ailure to comply with [the court's] order will result in a recommendation that this action be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." Id. Plaintiff has not filed an opposition or statement of non-opposition.

Pursuant to Local Rule 230(l), "[f]ailure of the responding party to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to granting the motion and may result in the imposition of sanctions." E.D. Cal. L.R. 230(l). Sanctions include dismissal for failure to prosecute and for failure to comply with these rules and a court order.

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Good cause appearing, plaintiff will be given one final opportunity to respond. IT IS HEREBY ORDERED that within twenty-one days after the date of this order, plaintiff shall file and serve an opposition or statement of non-opposition to the defendants' Motion to Dismiss. Failure to comply with this order will result in a recommendation that this action be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b), *without further warning*.

DATED: September 22, 2025

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE