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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Damian Dudley,

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No. CV-08-1825-PHX-SMM (LOA)

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Plaintiff,

)

ORDER

11

vs.

)

12

Sergeant Jacobson, Tony Atencia #A9093,

)

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John Doe,

)

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Defendants.

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Defendant Sergeant Michale Jacobson has filed a Motion to Dismiss (docket #13)

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pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

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NOTICE--WARNING TO PLAINTIFF

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A motion to dismiss under Rule 12(b) of the Federal Rules of Civil Procedure will,

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if granted, end your case.

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Additionally, you must comply with the following provisions of Rule 7.2 of the Local

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Rules of Civil Procedure:

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(e) **Length of Motions and Memoranda.** Unless otherwise permitted by the Court, a motion including its supporting memorandum, and the response including its supporting memorandum, each shall not exceed seventeen (17) pages, exclusive of attachments and any required statement of facts. Unless otherwise permitted by the Court, a reply including its supporting memorandum shall not exceed eleven (11) pages, exclusive of attachments.

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(i) **Briefs or Memoranda of Law; Effect of Non-Compliance.** If a motion does not conform in all substantial respects with the requirements of this Local Rule, or if the unrepresented party or counsel does not serve and file

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1 the required answering memoranda, or if the unrepresented party or counsel
2 fails to appear at the time and place assigned for oral argument, such
3 non-compliance may be deemed a consent to the denial or granting of the
4 motion and the Court may dispose of the motion summarily.

5 LRCiv 7.2.

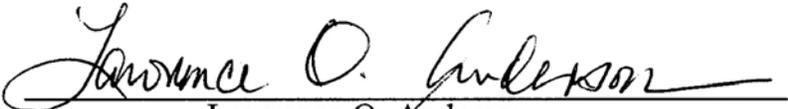
6 You must timely respond to all motions. The Court may, in its discretion, treat your
7 failure to respond to Defendant's Motion to Dismiss as a consent to the granting of that
8 Motion without further notice, and judgment may be entered dismissing this action without
9 prejudice pursuant to Rule 7.2(i) of the Local Rules of Civil Procedure. *See Brydges v.*
10 *Lewis*, 18 F.3d 651 (9th Cir. 1994) (*per curiam*).

11 **IT IS ORDERED** that Plaintiff must file a response to Defendant's Motion to Dismiss
12 on or before **March 16, 2009**.

13 **IT IS FURTHER ORDERED** that Defendant may file a reply within 15 days after
14 service of Plaintiff's response.

15 **IT IS FURTHER ORDERED** that the Motion to Dismiss will be deemed ready for
16 decision without oral argument on the day following the date set for filing a reply unless
17 otherwise ordered by the Court.

18 DATED this 17th day of February, 2009.

19 
20 Lawrence O. Anderson
21 United States Magistrate Judge
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