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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 ROSARIO A. FIORANI, JR.,

No. CV-08-02373-PHX-GMS

10 Plaintiff,

ORDER

11 vs.

12 ALBERT LOWRY; *et al.*,

13 Defendants.

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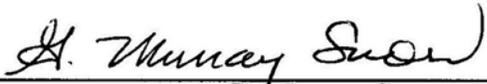
15 On December 29, 2008 Plaintiff Rosario A. Fiorani Jr. (“Plaintiff”) filed a *pro se*
16 complaint against several defendants in which he alleges violations of 18 U.S.C. §§ 241–42,
17 28 U.S.C. § 1343, and 42 U.S.C. § 1983. (Dkt. # 1.) Plaintiff asserts that the Defendants
18 conspired to violate his civil and constitutional rights when they allegedly falsely imprisoned,
19 threatened, and intimidated Plaintiff. (*See id.*) Plaintiff also alleges that Defendants’ conduct
20 forced him to write a fraudulent letter in which he admitted guilt to some unspecified offense.
21 (*See id.*)

22 On October 26, 2009, Defendant Dennis J. Smith, a Judge for the Nineteenth Judicial
23 Circuit in the Commonwealth of Virginia, moved to be dismissed from this action pursuant
24 to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6). (Dkt. ## 22–23.) First, Defendant
25 Smith brings a 12(b)(2) Motion to Dismiss for lack of personal jurisdiction. (Dkt. # 22.)
26 Defendant Smith also moves to dismiss on the basis of judicial immunity and failure to state
27 a claim under Rule 12(b)(6). (Dkt. # 23.) As of December 2, 2009, Plaintiff has failed to file
28 a response to these Motions. Local Rule 7.2(c) provides that “[t]he opposing party shall . .

1 . have fourteen (14) days after service in a civil or criminal case within which to serve and
2 file a responsive memorandum” to a Defendant’s Motion to Dismiss. Local Rule 12.1(b)
3 further provides that a party shall have thirty days (30) to respond to a Motion to Dismiss for
4 lack of jurisdiction. *See* LRCiv. 12.1(b); 56.1(d). As of December 2, 2009, Plaintiff has not
5 filed a timely responsive memoranda to Defendant Smith’s Motions to Dismiss, nor has he
6 sought extensions of time to do so. Under the Local Rules, if a party “does not serve and file
7 the required answering memoranda . . . such non-compliance may be deemed a consent to
8 the . . . granting of the motion and the Court may dispose of the motion summarily.” LRCiv.
9 7.2(i); *see also Ghazali v. Moran*, 46 F.3d 52, 53– 54 (9th Cir. 1995) (holding that district
10 court did not abuse its discretion in summarily granting defendants’ motion to dismiss
11 pursuant to local rule where *pro se* plaintiff had time to respond to motion but failed to do
12 so). Therefore,

13 **IT IS HEREBY ORDERED** that Plaintiff shall file and serve a responsive
14 memorandum to Defendant Smith’s Motions (Dkt. ## 22-23) **before 5:00 p.m. on December**
15 **17, 2009**. Should Plaintiff fail to comply, the Court may deem Plaintiff’s failure to oppose
16 these Motions as a waiver, and may grant the motions on that basis.

17 DATED this 3rd day of December, 2009.

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21 G. Murray Snow
22 United States District Judge
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