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2 NOT FOR PUBLICATION

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

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9 Gwendolyn Smith,

) No. CV-10-531-PHX-GMS

10 Plaintiff,

) **ORDER**

11 vs.

12 Robert N. Hoskyns, D.M.D., d/b/a  
13 Belladontia Dental Renewal,

14 Defendant.

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16 On March 8, 2010, Plaintiff Gwendolyn Smith filed a *pro se* complaint against  
17 Defendant. (Doc. 1.)

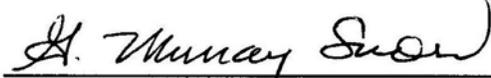
18 On July 28, 2010, Defendant moved to dismiss this action pursuant to Federal Rules  
19 of Civil Procedure 4(m), 12(b)(4) and 12(b)(5) for lack of process. (Doc. 11.)

20 As of August 24, 2010, Plaintiff has failed to file a response to the Motion. Local Rule  
21 7.2(c) provides that “[t]he opposing party shall . . . have fourteen (14) days after service in  
22 a civil or criminal case within which to serve and file a responsive memorandum” to a  
23 defendant’s Motion to Dismiss. Plaintiff has not filed a timely responsive memoranda to  
24 Defendant’s Motion to Dismiss, nor has she sought extensions of time to do so. Under the  
25 Local Rules, if a party “does not serve and file the required answering memoranda . . . such  
26 non-compliance may be deemed a consent to the . . . granting of the motion and the Court  
27 may dispose of the motion summarily.” LRCiv. 7.2(i); *see also Ghazali v. Moran*, 46 F.3d  
28 52, 53– 54 (9th Cir. 1995) (holding that district court did not abuse its discretion in

1 summarily granting defendants' motion to dismiss pursuant to local rule where *pro se*  
2 plaintiff had time to respond to motion but failed to do so).

3 **IT IS THEREFORE ORDERED** that Plaintiff shall file and serve a responsive  
4 memorandum to Defendant's Motion to Dismiss on or before **September 8, 2010**. Should  
5 Plaintiff fail to comply, the Court may deem Plaintiff's failure to oppose the Motion as a  
6 waiver, and may grant the motion on that basis.

7 DATED this 25th day of August, 2010.

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11 G. Murray Snow  
12 United States District Judge  
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