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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Louis Howard Ferrell, et al.,

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No. CV 10-1231-PHX-MHM

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Plaintiffs,

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**ORDER**

11

vs.

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John G. Stumpf, et al.,

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Defendants.

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On June 16, 2010, Defendants filed a Motion to Dismiss. Because the Plaintiffs are acting pro se in this matter, the Court advises the Plaintiffs of the following:

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I. RULE 7.2(i) CAUTIONARY NOTICE

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LRCiv 7.2(i) states in relevant part: "[I]f the opposing party does not serve and file the required answering memoranda . . . such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily." See D.Ariz. R. 1.10(i); see also *Brydges v. Lewis*, 18 F.3d 651, 652 (9th Cir. 1994). Plaintiffs should take notice that failure to respond to the Defendants' Motion by the deadline set forth in this Order will result in the Court deeming the Defendants' Motion as being unopposed and consented to by the Plaintiffs. See *Brydges*, 18 F.3d at 652 (affirming the district court's summary granting of a motion for summary judgment under Local Rule 7.2(i) when non-moving party was given express warning of consequences of failing to respond).

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1           **It is the Plaintiffs obligation to timely respond to all motions. The Defendants'**  
2 **Motion will be summarily granted if Plaintiffs fail to respond in accordance with the**  
3 **provisions of this Order.**

4 II.     RULE 41 CAUTIONARY NOTICE

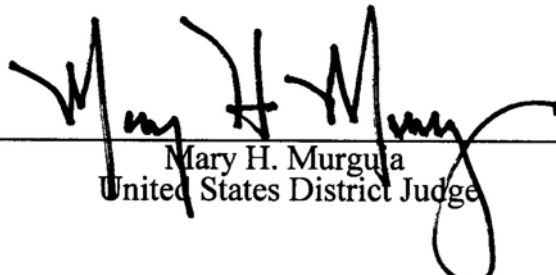
5           The Plaintiffs should also take notice that if they fail to timely comply with every  
6 provision of this Order, or any other order of the Court entered in this matter, their Complaint  
7 and this action may also be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil  
8 Procedure. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (holding that the  
9 district court may dismiss an action for failure to comply with any order of the court), *cert*  
10 *denied*, 506 U.S. 915 (1992). Therefore, **the Plaintiffs are warned that failure to strictly**  
11 **adhere to the provisions of this or any other Court Order will result in dismissal of the**  
12 **Plaintiffs' Complaint pursuant to Rule 41.**

13           Accordingly,

14           IT IS ORDERED that Plaintiffs shall file with the Clerk of the Court and serve on  
15 opposing counsel a responsive memorandum to Defendants' Motion to Dismiss no later than  
16 July 19, 2010.

17           DATED this 17<sup>th</sup> day of June, 2010.

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Mary H. Murgula  
United States District Judge