IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Will Moses Palmer, III, Plaintiff, vs. Jeanne Woodford, et. al., Defendants.	No. CV 1:06-00512-JMR **ORDER**

A Defendant has filed a Motion to Dismiss (Doc. #45) pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

NOTICE--WARNING TO PLAINTIFF

The Defendant's Motion to Dismiss seeks to have your case dismissed. A motion to dismiss under Rule 12(b) of the Federal Rules of Civil Procedure will, if granted, end your case against Defendant.

You must timely respond to all motions. You have the right to oppose the motion in writing. Rule 78-230(m) of the Local Rules of Civil Procedure provides that the failure to oppose a motion "may be deemed a waiver of any opposition to the granting of the motion..." The Court may, in its discretion, treat Plaintiff's failure to respond to Defendant's Motion to Dismiss as a consent to the granting of that Motion without further notice, and judgment may be entered dismissing this action without prejudice. See Brydges v. Lewis, 18 F.3d 651 (9th Cir. 1994) (*per curiam*).

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IT IS HEREBY ORDERED that Plaintiff must file a response to Defendant's Motion to Dismiss no later than November 20, 2009.

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

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

DATED this 22nd day of October, 2009.

John M. Roll
Chief United States District Judge