

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

Michael Lenoir Smith,  
Plaintiff,  
v.  
Arnold Schwarzenegger, et al.,  
Defendants.

1:07-cv-1547 SRB (PC)  
**ORDER**

On October 15, 2015, Defendants filed a Motion to Dismiss Plaintiff’s Complaint. Because Plaintiff is acting pro se in this matter, the Court advises Plaintiff of the following:

**I. RULE 230(1) CAUTIONARY NOTICE**

Local Rule of Civil Procedure 230(1) states in relevant part that “[f]ailure of the responding party to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” See also *Brydges v. Lewis*, 18 F.3d 651, 652 (9th Cir. 1994). Plaintiff should take notice that the Court will interpret the failure to respond to Defendant's Motion by the deadline set forth in this Order as consent to the Motion. See *id.* at 652 (affirming the district court's summary granting of a motion for summary

1 judgment under local rule when non-moving party was given express warning of  
2 consequences of failing to respond).

3  
4 It is Plaintiff's obligation to timely respond to all motions. Defendant's Motion will  
5 be summarily granted if Plaintiff fails to respond in accordance with the provisions of this  
6 Order.

7 **II. RULE 41 CAUTIONARY NOTICE**

8 Plaintiff should also take notice that the failure to timely comply with every  
9 provision of this Order, or any other order entered in this matter, may result in the  
10 dismissal of the Complaint or the action pursuant to Federal Rule of Civil Procedure  
11 41(b). *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (holding that the  
12 district court may dismiss an action for failure to comply with any order of the court),  
13 *cert. denied*, 506 U.S. 915 (1992). Plaintiff is warned that failure to strictly adhere to the  
14 provisions of this or any other Court Order will result in dismissal of Plaintiff's  
15 Complaint pursuant to Rule 41.

16 **IT IS ORDERED** directing Plaintiff to file with the Clerk of the Court and serve  
17 on opposing counsel a responsive memorandum to Defendants' Motion to Dismiss  
18 Plaintiff's Complaint no later than November 10, 2014.

19  
20 Dated this 15th day of October, 2014.

21  
22  
23   
24 \_\_\_\_\_  
25 Susan R. Bolton  
26 United States District Judge  
27  
28