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

Michael Lenoir Smith,	)	1:07-cv-1547 SRB
Plaintiff,	)	<b>ORDER</b>
vs.	)	
Arnold Schwarzenegger, et al.	)	
Defendants.	)	

On October 17, 2012, Defendants Yates, Hedgpeth and Allison (Defendants) filed a Motion to Dismiss Plaintiff's Third Amended Complaint; Defendants' Request That the Court Screen Plaintiff's Fourth Amended Complaint. Because the Plaintiff is acting pro se in this matter, the Court advises the Plaintiff of the following:

I. RULE 7.2(i) CAUTIONARY NOTICE

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). Plaintiff 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 Plaintiff. See *Brydges*, 18 F.3d at 652 (affirming the district court's

1 summary granting of a motion for summary judgment under Local Rule 7.2(i) when  
2 non-moving party was given express warning of consequences of failing to respond).

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

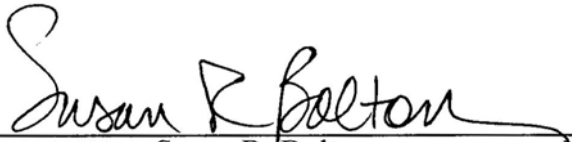
6 II. RULE 41 CAUTIONARY NOTICE

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

15 Accordingly,

16 IT IS ORDERED that Plaintiff shall file with the Clerk of the Court and serve on  
17 opposing counsel a responsive memorandum to Defendants' Motion to Dismiss Plaintiff's  
18 Third Amended Complaint **no later than November 5, 2012.**

19  
20 DATED this 17<sup>th</sup> day of October, 2012.

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24 Susan R. Bolton  
United States District Judge