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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAWWAAD HASAN,	1:08-cv-00381-GSA-PC
Plaintiff,	ORDER REQUIRING PLAINTIFF TO FILE
v.	OPPOSITION OR STATEMENT OF NON-
B. JOHNSON, et al.,	OPPOSITION TO DEFENDANT JOHNSON'S
Defendants.	MOTION TO DISMISS WITHIN THIRTY
	DAYS
	(Doc. 28.)

On June 20, 2011, defendant Johnson ("Defendant") filed a motion to dismiss. (Doc. 28.) Plaintiff was required to file an opposition or a statement of non-opposition to the motion within twenty-one days, but has not done so. Local Rule 230(l).

Local Rule 230(l) provides that the failure to oppose a motion "may be deemed a waiver of any opposition to the granting of the motion..." The court will deem any failure to oppose Defendant's motion to dismiss as a waiver, and recommend that the motion be granted on that basis.

Failure to follow a district court's local rules is a proper grounds for dismissal. U.S. v. Warren, 601 F.2d 471, 474 (9th Cir. 1979). Thus, a court may dismiss an action for plaintiff's failure to oppose a motion to dismiss, where the applicable local rule determines that failure to oppose a motion will be deemed a waiver of opposition. See Ghazali v. Moran, 46 F.3d 52 (9th Cir. 1995), cert. denied 516 U.S. 838 (1995) (dismissal upheld even where plaintiff contends he

1 did not receive motion to dismiss, where plaintiff had adequate notice, pursuant to Fed. R. Civ.
2 P. 5(b), and time to file opposition); cf. Marshall v. Gates, 44 F.3d 722, 725 (9th Cir. 1995);
3 Henry v. Gill Industries, Inc., 983 F.2d 943, 949-50 (9th Cir. 1993) (motion for summary
4 judgment cannot be granted simply as a sanction for a local rules violation, without an
5 appropriate exercise of discretion).

6 Accordingly, within thirty days of the date of service of this order, Plaintiff shall file an
7 opposition or statement of non-opposition to the motion to dismiss filed by Defendant. If
8 Plaintiff fails to comply with this order, the Court will deem the failure to respond as a waiver,
9 and recommend that the motion be granted on that basis.

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11 IT IS SO ORDERED.

12 **Dated: November 7, 2011**

/s/ Gary S. Austin
13 UNITED STATES MAGISTRATE JUDGE
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