

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**

Kevin Roberson,)	No. CV 1-08-668-DGC
Plaintiff,)	ORDER
vs.)	
A. Hedgpeth, et al.,)	
Defendants.)	

Defendants Hart, Hammer, Kohler and Sotelo have filed a motion to compel Plaintiff’s deposition (Dkt. #32). The court docket indicates Plaintiff has not filed a response to this motion.

Plaintiff’s attention is drawn to the Federal Rules of Civil Procedure. Plaintiff faces consequences for failing to timely respond to Defendants’ Motion. If Plaintiff fails to prosecute this action or comply with the rules or any Court order, the Court may dismiss the action pursuant to Federal Rule of Civil Procedure 41(b). *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir.1992) (holding that district court did not abuse its discretion in dismissing the pro se plaintiff’s complaint for failing to comply with a court order). Rule 41(b) further provides: “Unless the [C]ourt in its order for dismissal otherwise specifies, a dismissal under this subdivision . . . operates as an adjudication upon the merits.”

If Plaintiff fails to timely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. *See Ferdik*, 963 F.2d at

1 1260-61 (a district court may dismiss an action for failure to comply with any order of the
2 Court).

3 **IT IS ORDERED** that Plaintiff shall file an response to Defendants' motion to
4 compel on or before **May 21, 2010**.

5 DATED this 29th day of April, 2010.

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



David G. Campbell
United States District Judge