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5	IN THE UNITED STATES DISTRICT COURT	
6 7	FOR THE EASTERN DISTRICT OF CALIFORNIA	
8		
9	George Reed, III,	No. CV 1-08-910-MHM
10	Plaintiff,	ORDER
11	vs.	
12		
13	Captain Williams, et al.,	
14	Defendants.	
15	[,]	
16		
17	Defendant J. Herrera has filed a Motion to Dismiss Plaintiff's First Amended	
18	Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to allege facts	
19	sufficient to state a claim. (Doc. 20)	
20	NOTICEWARNING TO PLAINTIFF	
21	THIS NOTICE IS REQUIRED TO BE GIVEN TO YOU BY THE COURT ¹	
22	Defendant Herrera's Motion to Dismiss seeks to have your case dismissed for failure	
23	to allege facts sufficient to state a claim for a deprivation of property in violation of due	
24	process. A motion to dismiss under Rule 12(b) of the Federal Rules of Civil Procedure will,	
25	if granted, end your case.	
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27		
28	¹ <u>Wyatt v. Terhune</u> , 315 F.3d 1108, 1120 n.14 (9th Cir. 2003).	
		Destruction for the

You must timely respond to all motions. Written oppositions must be filed not more
 than 18 days, plus 3 days for mailing, after the date of service of the motion to dismiss.
 Local Rule 78-230(m) provides that the failure to oppose a motion "may be deemed a waiver
 of any opposition to the granting of the motion and may result in the imposition of
 sanctions," including dismissal of the action. Accordingly,

6 IT IS ORDERED that Plaintiff must file a response to Defendant's Motion to
7 Dismiss, together sworn declarations or other admissible evidence, no later than 21 days
8 from the filing of this order.

9 IT IS FURTHER ORDERED that Defendants may file a reply within 8 days after
10 service of Plaintiff's response.

DATED this 25th day of October, 2010.

arv

States District Judge

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