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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LATWAHN McELROY,	1:08-cv-01221-LJO-GSA-PC
Plaintiff,	ORDER REQUIRING PLAINTIFF TO
vs.	FILE A RESPONSE TO DEFENDANTS'
ROY COX, et al.,	MOTION FOR SANCTIONS
Defendants.	(Doc. 57.)
_____ /	THIRTY DAY DEADLINE

Latwahn McElroy ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action under 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on August 19, 2008. (Doc. 1.) This action now proceeds with the original Complaint against defendants Correctional Officer ("C/O") Roy Cox, C/O B. Cope, C/O R. Robles, C/O Paul Rocha, C/O Thomas Acosta, C/O Sherri Stinnett, and LVN M. Hankins, for excessive force and deliberate indifference in violation of the Eighth Amendment.

On March 18, 2011, Defendants filed a motion for sanctions, based on Plaintiff's failure to comply with the Court's discovery order of February 16, 2011. (Doc. 59.) Defendants request the dismissal of this action, or at the very least an order prohibiting Plaintiff from introducing into evidence the testimony of his three alleged witnesses. Id.

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(1). 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). A court may also

1 dismiss an action for failure to comply with a court order. See Pagtalunan v. Galaza, 291 F.3d 639, 642  
2 (9th Cir. 2002).

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. Within thirty days of the date of service of this order, Plaintiff shall file an opposition or  
5 statement of non-opposition to the motion for sanctions filed by Defendants on March  
6 18, 2011; and
- 7 2. Plaintiff's failure to comply with this order shall result a recommendation that this action  
8 be dismissed.

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10 IT IS SO ORDERED.

11 **Dated: September 13, 2011**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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