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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Fresno Division**

BRYAN E. RANSOM,
CDCR #H-71641,

Plaintiff,

vs.

J.R. WESTPHAL, et al.,

Defendants.

Civil No. 1:08cv1327 DMS (AJB)

**ORDER SETTING BRIEFING
SCHEDULE RE DEFENDANTS'
MOTION TO DISMISS
AND SUBMITTING MATTER
FOR DETERMINATION
WITHOUT ORAL
ARGUMENT**

Plaintiff, a state inmate currently incarcerated at California State Prison in Corcoran, California, filed an Amended Complaint on February 12, 2009, pursuant to 42 U.S.C. § 1983. (Doc. No. 16.) Plaintiff is pro se and has been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a).

On June 15, 2009, Defendants Thissen, Mounce, Holland and Hough filed a Motion to Dismiss pursuant to FED.R.CIV.P. 12(b)(6). (Doc. No. 22.) Defendants seek dismissal of this action on grounds that it is barred by the statute of limitations.

Plaintiff was required to file either an opposition or a statement of non-opposition “not more than eighteen (18) days, plus three days for mailing ... after the date” he was served with the motion. E.D. CAL. CIV. L.R. 78-230(m). Because failure to respond “may be deemed a

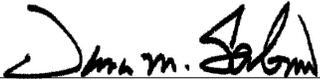
1 waiver of any opposition to the granting of the motion and may result in the imposition of
2 sanctions,” the court hereby notifies Plaintiff of his responsibilities under Local Rule 78-230(m),
3 and re-sets the following briefing schedule:

- 4 1) Plaintiff, if he chooses, may file an Opposition or a Statement of Non-opposition
5 to Defendants’ Motion (Doc. No. 22) and serve it upon Defendants’ counsel of
6 record no later than **Tuesday, October 13, 2009.**
- 7 2) Defendants may file a Reply to Plaintiff’s Opposition, and serve it upon Plaintiff
8 no later than **Tuesday, October 20, 2009.**

9 At that time, the Court will consider that matter fully briefed and will thereafter issue its
10 written Order in due course and without hearing or oral argument. *See* E.D. CAL. CIV.L.R. 78-
11 230(m).

12 **IT IS SO ORDERED.**

13 DATED: September 17, 2009

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16 HON. DANA M. SABRAW
17 United States District Judge
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