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

IRVING C. HUMPHREY,

Plaintiff,

vs.

WARDEN JAMES A. YATES,

Defendant.

Case No. 1:09-cv-00075 LJO JLT (PC)

ORDER DIRECTING PLAINTIFF TO FILE  
AN OPPOSITION OR STATEMENT OF NO  
OPPOSITION TO DEFENDANT’S MOTION  
FOR SUMMARY JUDGMENT

ORDER DIRECTING THE CLERK OF THE  
COURT TO SEND PLAINTIFF A COPY OF  
THE SECOND INFORMATIONAL ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On April 28, 2011, Defendant filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. (Doc. 53.) Plaintiff has not filed an opposition or statement of no opposition to the motion in accordance with the Local Rules.

Plaintiff is therefore reminded that Local Rule 230(1) provides, in part, that: “Failure of the responding party to file written opposition or to file a statement of no opposition [within twenty-one days after the date of service of a motion] may be deemed a waiver of any opposition to the granting of the motion . . . .” Local Rule 110 also provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court” including, but not limited to, dismissal of the action.

Accordingly, good cause appearing, it is **HEREBY ORDERED** that:

- 1. Within thirty (30) days of the date of this order, Plaintiff shall file an opposition or

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statement of no opposition to Defendant's motion for summary judgment filed April 28, 2011. Plaintiff is cautioned that failure to file an opposition may be deemed a waiver of any opposition to the granting of the motion.

2. The Clerk of the Court is directed to send Plaintiff a courtesy copy of the second informational order.

IT IS SO ORDERED.

Dated: June 6, 2011

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE