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

LARRY TATE,
Plaintiff,
vs.
MATTHEW CATE, et al.,
Defendants.

Case No. 1:09-cv-00770 JLT (PC)

ORDER DIRECTING PLAINTIFF TO FILE
AN OPPOSITION OR STATEMENT OF NO
OPPOSITION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. On January 23, 2012, Defendant V. O'Brien filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. Although Plaintiff was previously advised of the requirements for filing an opposition to motions for summary judgment, (see Doc. 27,) Plaintiff has not filed an opposition to Defendants' motion in accordance with the Local Rules.

Plaintiff is therefore reminded that Local Rule 230(l) 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.

1 Accordingly, good cause appearing, IT IS HEREBY ORDERED that, within 21 days of the date
2 of this order, Plaintiff shall file an opposition to Defendant's motion for summary judgment filed January
3 23, 2012 or shall file a notice of non-opposition to the motion. Plaintiff is cautioned that failure to file
4 an opposition will be deemed as a statement of non opposition and may result in a recommendation that
5 this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

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7 IT IS SO ORDERED.

8 Dated: March 14, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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