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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 LONNIE CLARK WILLIAMS, JR.,

12 Plaintiff,

13 vs.

14 P. RODRIGUEZ, et al.,

15 Defendants.
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1:09-cv-01882-LJO-GSA-PC

ORDER REQUIRING PLAINTIFF TO
FILE OPPOSITION OR STATEMENT
OF NON-OPPOSITION TO:

(1) DEFENDANTS' MOTION TO
REVOKE IN FORMA PAUPERIS
STATUS (Doc. 75), AND

(2) DEFENDANTS MOTION TO
DISMISS (Doc. 76)

THIRTY DAY DEADLINE TO FILE
OPPOSITIONS OR STATEMENTS OF
NON-OPPOSITION

20 On May 23, 2013, Defendants filed a motion to revoke plaintiff's in forma pauperis
21 status, and on May 24, 2013, Defendants filed a motion to dismiss this action. (Docs. 75, 76.)
22 Plaintiff was required to file an opposition or a statement of non-opposition to each of the
23 motions within twenty-one days, but has not done so. Local Rule 230(l).

24 Local Rule 230(l) provides that the failure to oppose a motion "may be deemed a waiver
25 of any opposition to the granting of the motion . . ." The court will deem any failure to oppose
26 either of Defendants' motions as a waiver, and recommend that the motions be granted on that
27 basis.

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1 Failure to follow a district court's local rules is a proper grounds for dismissal. U.S. v.
2 Warren, 601 F.2d 471, 474 (9th Cir. 1979). Thus, a court may dismiss an action for plaintiff's
3 failure to oppose a motion to dismiss, where the applicable local rule determines that failure to
4 oppose a motion will be deemed a waiver of opposition. See Ghazali v. Moran, 46 F.3d 52 (9th
5 Cir. 1995), cert. denied 516 U.S. 838 (1995) (dismissal upheld even where plaintiff contends he
6 did not receive motion to dismiss, where plaintiff had adequate notice, pursuant to Fed. R. Civ.
7 P. 5(b), and time to file opposition); cf. Marshall v. Gates, 44 F.3d 722, 725 (9th Cir. 1995);
8 Henry v. Gill Industries, Inc., 983 F.2d 943, 949-50 (9th Cir. 1993) (motion for summary
9 judgment cannot be granted simply as a sanction for a local rules violation, without an
10 appropriate exercise of discretion); accord, Heinemann v. Satterberg ---F.3d---, 2013 WL
11 5312568 (9th Cir., Sept. 24, 2013).

12 Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of service
13 of this order:

14 1. Plaintiff shall file an opposition or statement of non-opposition to Defendants'
15 motion to revoke in forma pauperis status filed on May 23, 2013;

16 2. Plaintiff shall file an opposition or statement of non-opposition to Defendants'
17 motion to dismiss filed on May 24, 2013; and

18 3. If Plaintiff fails to comply with this order, the Court will deem the failure to
19 respond as a waiver, and recommend that Defendants' motions be granted on that basis.

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23 IT IS SO ORDERED.

24 Dated: October 11, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE