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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ANTHONY CHAVARRIA,

12 Plaintiff,

13 vs.

14 P. A. GREEN, et al.,

15 Defendants.  
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1:10-cv-02324-LJO-GSA-PC

ORDER REQUIRING PLAINTIFF TO  
FILE OPPOSITION OR STATEMENT  
OF NON-OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS WITHIN THIRTY DAYS

(Doc. 24.)

17 On July 28, 2014, Defendants filed a motion to dismiss. (Doc. 24.) Plaintiff Anthony  
18 Chavarria ("Plaintiff") was required to file an opposition or a statement of non-opposition to  
19 the motion within twenty-one days, but has not done so. Local Rule 230(l).

20 Local Rule 230(l) provides that the failure to oppose a motion "may be deemed a waiver  
21 of any opposition to the granting of the motion..." The court may deem any failure to oppose  
22 Defendants' motion to dismiss as a waiver, and recommend that the motion be granted on that  
23 basis.

24 Failure to follow a district court's local rules is a proper grounds for dismissal. U.S. v.  
25 Warren, 601 F.2d 471, 474 (9th Cir. 1979). Thus, a court may dismiss an action for the  
26 plaintiff's failure to oppose a motion to dismiss, where the applicable local rule determines that  
27 failure to oppose a motion will be deemed a waiver of opposition. See Ghazali v. Moran, 46  
28 F.3d 52 (9th Cir. 1995), cert. denied 516 U.S. 838 (1995) (dismissal upheld even where

1 plaintiff contends he did not receive motion to dismiss, where plaintiff had adequate notice,  
2 pursuant to Fed. R. Civ. P. 5(b), and time to file opposition); cf. Marshall v. Gates, 44 F.3d 722,  
3 725 (9th Cir. 1995); Henry v. Gill Industries, Inc., 983 F.2d 943, 949-50 (9th Cir. 1993)  
4 (motion for summary judgment cannot be granted simply as a sanction for a local rules  
5 violation, without an appropriate exercise of discretion). The court may also dismiss this case  
6 for Plaintiff's failure to comply with the court's order. See Local Rule 110; Pagtalunan v.  
7 Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Within thirty days of the date of service of this order, Plaintiff shall file an  
10 opposition or statement of non-opposition to the motion to dismiss filed by  
11 Defendants on July 28, 2014; and
- 12 2. Plaintiff's failure to comply with this order may result in the dismissal of this  
13 action.

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15 IT IS SO ORDERED.

16 Dated: September 8, 2014

17 /s/ Gary S. Austin  
18 UNITED STATES MAGISTRATE JUDGE  
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