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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 EDIN A. CHACON,

12 Plaintiff,

13 vs.

14 J. CERRINI, et al.,

15 Defendants.
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1:11-cv-01689-AWI-GSA-PC

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

(Doc. 39.)

17 On February 13, 2014, defendants Tyree and Rivera ("Defendants") filed a motion to
18 dismiss. (Doc. 39.) Plaintiff was required to file an opposition or a statement of non-
19 opposition to 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 Defendant's 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 Plaintiff's
26 failure to oppose a motion to dismiss, where the applicable local rule determines that failure to
27 oppose a motion will be deemed a waiver of opposition. See Ghazali v. Moran, 46 F.3d 52 (9th
28 Cir. 1995), cert. denied 516 U.S. 838 (1995) (dismissal upheld even where plaintiff contends he

1 did not receive motion to dismiss, where plaintiff had adequate notice, pursuant to Fed. R. Civ.
2 P. 5(b), and time to file opposition); cf. Marshall v. Gates, 44 F.3d 722, 725 (9th Cir. 1995);
3 Henry v. Gill Industries, Inc., 983 F.2d 943, 949-50 (9th Cir. 1993) (motion for summary
4 judgment cannot be granted simply as a sanction for a local rules violation, without an
5 appropriate exercise of discretion).

6 Accordingly, within thirty days of the date of service of this order, Plaintiff shall file an
7 opposition or statement of non-opposition to the motion to dismiss filed by Defendants on
8 February 13, 2014. If Plaintiff fails to comply with this order, the Court may deem the failure
9 to respond as a waiver, and recommend that the motion be granted on that basis.

10 IT IS SO ORDERED.

11 Dated: March 25, 2014

12 /s/ Gary S. Austin
13 UNITED STATES MAGISTRATE JUDGE

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