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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 LEONARD RANSOM, JR.,

12 Plaintiff,

13 v.

14 DANNY HERRERA, et al.,

15 Defendants.  
16

1:11-cv-01709-LJO-EPG-PC

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

17 On July 7, 2016, defendant Ricky Brannum ("Defendant") filed a motion to dismiss.  
18 (ECF No. 38.) 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  
21 waiver of any opposition to the granting of the motion . . ." The Court will deem any failure to  
22 oppose Defendant's motion to dismiss as a waiver, and recommend that the motion be granted  
23 on that 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, IT IS HEREBY ORDERED that:

- 7 1. Within thirty days of the date of service of this order, Plaintiff shall file an  
8 opposition or statement of non-opposition to the motion to dismiss filed by  
9 Defendant Ricky Brannum; and
- 10 2. If Plaintiff fails to comply with this order, the Court will deem the failure to  
11 respond as a waiver and may recommend that the motion to dismiss be granted  
12 on that basis.

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14 IT IS SO ORDERED.

15 Dated: August 31, 2016

16 /s/ Eric P. Grogan  
17 UNITED STATES MAGISTRATE JUDGE  
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