

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

MARLON BLACHER,

Plaintiff,

S. JOHNSON,

Defendant

Case No. 1:12-cv-01159-EPG (PC)

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
WITHIN THIRTY DAYS

Marlon Blacher (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On May 23, 2017, Defendant filed a motion for summary judgment. (ECF No. 106). Plaintiff was required to file an opposition or a statement of non-opposition to the motion within twenty-one days, Local Rule 230(l), but did not do so.

Local Rule 230(l) provides that the failure to oppose a motion “may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” While a motion for summary judgment cannot be granted by default, Heinemann v. Satterberg, 731 F.3d 914, 916 (9th Cir. 2013), the Court does have other options when a party fails to respond. For example, if Plaintiff fails to respond, the Court may treat the facts asserted by Defendant as undisputed. Fed. R. Civ. P. 56(e)(2).

Accordingly, based on the foregoing, IT IS HEREBY ORDERED that within thirty days from the date of service of this order, Plaintiff shall file an opposition or a statement of non-

1 opposition to the motion for summary judgment filed by Defendant.

2 Failure to respond may result in a recommendation that Plaintiff's case be dismissed.

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4 IT IS SO ORDERED.

5 Dated: June 20, 2017

6 /s/ *Eric P. Groj*
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