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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 BRYAN E. RANSOM,

12 Plaintiff,

13 vs.

14 AGUIRRE, et al.,

15 Defendants.
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1:12-cv-01343-DAD-GSA-PC

ORDER REQUIRING PLAINTIFF TO
FILE OPPOSITION OR STATEMENT
OF NON-OPPOSITION TO
DEFENDANTS' MOTION FOR
TERMINATING SANCTIONS,
WITHIN TWENTY-ONE DAYS
(ECF No. 135.)

TWENTY-ONE DAY DEADLINE

18 On September 16, 2016, Defendants filed a motion for terminating sanctions. (ECF No.
19 135.) Plaintiff Bryan E. Ransom ("Plaintiff") was required to file an opposition or a statement
20 of non-opposition to the motion within twenty-one days, but has not done so. Local Rule
21 230(l).

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

26 Failure to follow a district court's local rules is a proper ground for dismissal. U.S. v.
27 Warren, 601 F.2d 471, 474 (9th Cir. 1979). Thus, a court may dismiss an action for the
28 plaintiff's failure to oppose a motion for terminating sanctions, where the applicable local rule

1 determines that failure to oppose a motion will be deemed a waiver of opposition. See Ghazali
2 v. Moran, 46 F.3d 52 (9th Cir. 1995), cert. denied 516 U.S. 838 (1995) (dismissal upheld even
3 where plaintiff contends he did not receive motion to dismiss, where plaintiff had adequate
4 notice, pursuant to Fed. R. Civ. P. 5(b), and time to file opposition); cf. Marshall v. Gates, 44
5 F.3d 722, 725 (9th Cir. 1995); Henry v. Gill Industries, Inc., 983 F.2d 943, 949-50 (9th Cir.
6 1993) (motion for summary judgment cannot be granted simply as a sanction for a local rules
7 violation, without an appropriate exercise of discretion). The court may also dismiss this case
8 for Plaintiff's failure to comply with the court's order. See Local Rule 110; Pagtalunan v.
9 Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Within **twenty-one days** of the date of service of this order, Plaintiff shall file
12 an opposition or statement of non-opposition to the motion for terminating
13 sanctions filed by Defendants on September 16, 2016; and
- 14 2. Plaintiff's failure to comply with this order may result in the dismissal of this
15 action.

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17 IT IS SO ORDERED.

18 Dated: April 13, 2017

/s/ Gary S. Austin
19 UNITED STATES MAGISTRATE JUDGE