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

TRADELL M. DIXON,  Plaintiff,  v.  M. ARMAS, et al.,  Defendants.
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Case No. 1:13-cv-00165-DAD-EPG (PC)  
**ORDER REQUIRING PLAINTIFF TO FILE  
OPPOSITION OR STATEMENT OF NON-  
OPPOSITION TO DEFENDANT ARMAS'S  
MOTION TO DISMISS WITHIN THIRTY  
DAYS**

Tradell Dixon ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On November 18, 2016, defendant M. Armas filed a motion to dismiss. (ECF No. 19). 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 has not done 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...." The Court will deem any failure to oppose Defendant's motion to dismiss as a waiver, and recommend that the motion be granted on that basis.

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

1 oppose a motion will be deemed a waiver of opposition. See Ghazali v. Moran, 46 F.3d 52 (9th  
2 Cir. 1995), cert. denied 516 U.S. 838 (1995) (dismissal upheld even where plaintiff contends he  
3 did not receive motion to dismiss, where plaintiff had adequate notice, pursuant to Fed. R. Civ. P.  
4 5(b), and time to file opposition); cf. Heinemann v. Satterberg, 731 F.3d 914, 916 (9th Cir. 2013)  
5 (holding that a motion for summary judgment cannot be granted based on a failure to file  
6 opposition, regardless of any local rule to the contrary).

7 Accordingly, IT IS HEREBY ORDERED that:

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

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15 IT IS SO ORDERED.

16 Dated: December 28, 2016

17 /s/ Eric P. Gray  
18 UNITED STATES MAGISTRATE JUDGE  
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