



1 failure to prosecute. Local Rule requires the opposition, or statement of non-opposition be filed  
2 not more than 21 days after the date of service of the motion. *Id.* However, Plaintiff filed a  
3 motion requesting an extension of time<sup>1</sup> and is granted 60 days from the service of this order to  
4 file his opposition or statement of non-opposition.

5 3. In responding to Defendants' motion to dismiss, Plaintiff may not simply rely on  
6 allegations in the operative complaint. Instead, Plaintiff must oppose the motion by setting forth  
7 specific facts in declaration(s) and/or by submitting other evidence. *See* Fed. R. Civ. P. 43(c);  
8 *Ritza*, 837 F.2d at 369. Generally, if a plaintiff does not submit his own evidence in opposition,  
9 the Court may conclude that there is no evidence to oppose the motion and the case may be  
10 dismissed in whole or in part. However, the majority of issues raised in Defendants' motion to  
11 dismiss are legal and will not require submission of additional evidence.

12 4. Unsigned declarations will be stricken, and declarations not signed under penalty of  
13 perjury have no evidentiary value and will not be considered.

14 5. The failure of any party to comply with this order, the Federal Rules of Civil  
15 Procedure, or the Local Rules of the Eastern District of California may result in the imposition of  
16 sanctions including but not limited to dismissal of the action or entry of default.

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18 IT IS SO ORDERED.

19 Dated: September 3, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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27 <sup>1</sup> Though Plaintiff requested 90 days, he is being granted a 60 day extension of time. Sixty days should be more than  
28 sufficient. However, due to the complex legal issues raised in Defendants' motion to dismiss, Plaintiff may request a  
further extension if he feels it is necessary, which will be considered upon a showing of good cause.