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

MARQUES BUTLER,

Plaintiff,

v.

R. BOOZER, et al.,

Defendants.

Case No. 1:14-cv-01220-DAD-EPG (PC)

ORDER REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION TO DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT
WITHIN THIRTY DAYS

Marquez Butler (“Plaintiff”) was at all relevant times a state prisoner at Pleasant Valley State Prison. He is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On December 1, 2016, all eleven defendants filed a motion for summary judgment. (ECF No. 17). 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 defendants as undisputed. Fed. R. Civ. P. 56(e)(2).

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Accordingly, IT IS HEREBY ORDERED that within thirty days of the date of service of this order, Plaintiff shall file an opposition or statement of non-opposition to the motion for summary judgment filed by defendants.

IT IS SO ORDERED.

Dated: January 10, 2017

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE