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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT FEIGER,

12 Plaintiff,

13 vs.

14 MARLENE SMITH, et al.,

15 Defendants.
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1:14-cv-01920-DAD-EPG-PC

ORDER REQUIRING PLAINTIFF TO
FILE OPPOSITION OR STATEMENT
OF NON-OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS WITHIN THIRTY DAYS

(ECF No. 21.)

17 On April 28, 2016, defendants Smith, Clark, and Graves (“Defendants”) filed a motion
18 to dismiss. (ECF No. 21.) Plaintiff Robert Feiger (“Plaintiff”) was required to file an
19 opposition or a statement of non-opposition to the motion within twenty-one days, but has not
20 done so. Local Rule 230(l).

21 Local Rule 230(l) provides that the failure to oppose a motion “may be deemed a
22 waiver of any opposition to the granting of the motion...” The Court may deem any failure to
23 oppose Defendants’ motion to dismiss as a waiver, and recommend that the motion be granted
24 on that basis.

25 Failure to follow a district court’s local rules is a proper grounds for dismissal. U.S. v.
26 Warren, 601 F.2d 471, 474 (9th Cir. 1979). Thus, a Court may dismiss an action for the
27 plaintiff’s failure to oppose a motion to dismiss, where the applicable local rule determines that
28 failure to oppose a motion will be deemed a waiver of opposition. See Ghazali v. Moran, 46

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

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Within thirty days of the date of service of this order, Plaintiff shall file an
11 opposition or statement of non-opposition to the motion to dismiss filed by
12 Defendants on April 28, 2016; and
13 2. Plaintiff's failure to comply with this order may result in the dismissal of this
14 action.

15 IT IS SO ORDERED.
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17 Dated: June 9, 2016

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