

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

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Within twenty days from the date of service of this order, Plaintiff shall file an
10 opposition or statement of non-opposition to the motion to dismiss; and
- 11 2. If Plaintiff fails to comply with this order, the Court will deem the failure to
12 respond as a waiver of any opposition and may grant the motion to dismiss on that
13 basis. Additionally, this case may be dismissed for failure to prosecute and failure
14 to comply with a court order.

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16 IT IS SO ORDERED.

17 Dated: August 1, 2017

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