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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JAMES GAINES, JR.,
Plaintiff,
v.
BEASLEY, et al.,
Defendants.

No. 1:15-cv-1533 LJO JLT P
ORDER TO FILE OPPOSITION
THIRTY-DAY DEADLINE

On January 2, 2019, defendant Curtiss filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(f). Plaintiff has not opposed the motion.

Local Rule 230(l) provides in part that “[f]ailure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion . . .” With his motion for summary judgment and pursuant to Rand v. Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998) (en banc), defendant filed a notice that also advised plaintiff of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion. (Doc. 58-1.)

Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” In the “First Informational Order in Prisoner / Civil Detainee Civil Rights Cases,”

1 filed on October 9, 2015 (Doc. 3), plaintiff was advised that failure to comply with the Local
2 Rules may result in a recommendation that the action be dismissed.

3 Based on the foregoing, the Court ORDERS that within thirty days of the date of this
4 order, plaintiff shall file an opposition, if any, to the motion for summary judgment. Failure to file
5 an opposition will be deemed as a statement of non-opposition and shall result in a
6 recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).

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8 IT IS SO ORDERED.

9 Dated: April 2, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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