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

CESARE REDMOND,

Plaintiff,

No. CIV S-07-0021 MCE EFB P

vs.

W.A. RODRIGUEZ, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 15, 2010, defendants filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56. Plaintiff has not opposed the motion.¹

A responding party’s failure “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 and may result in the imposition of sanctions.” L. R. 230(1). Failure to comply with any order or 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.” L. R. 110. The court may recommend this action be dismissed with or without prejudice, as appropriate, if plaintiff disobeys an order or the

_____ ¹ Plaintiff is well aware of his obligation to file an opposition to the motion as evidenced by his November 23, 2010 motion for an extension of time to file an opposition.

1 Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir. 1992) (district court did not
2 abuse discretion in dismissing *pro se* plaintiff's complaint for failing to obey an order to re-file
3 an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856
4 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff's failure to comply with local
5 rule regarding notice of change of address affirmed);

6 On February 25, 2010, the court advised plaintiff of the requirements for filing an
7 opposition to the motion, that failure to oppose such a motion may be deemed a waiver of
8 opposition to the motion, and that failure to comply with the Local Rules may result in a
9 recommendation of dismissal.

10 Accordingly, it is hereby ORDERED that, within twenty-one days of the date of this
11 order, plaintiff shall file either an opposition to the motion for summary judgment or a statement
12 of non-opposition. Given the extension of time already granted, the court is not inclined to grant
13 any further extensions of time. Failure to comply with this order will result in a recommendation
14 that this action be dismissed without prejudice.

15 DATED: January 28, 2011.

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17 EDMUND F. BRENNAN
18 UNITED STATES MAGISTRATE JUDGE
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