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

TONIE ELMORE,

Plaintiff,

No. 2: 07-cv-1463 WBS KJN P

vs.

ARONG, et al.,

Defendants.

ORDER

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On June 29, 2010, defendant Turella filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. On August 13, 2010, plaintiff was granted a thirty day extension of time to file an opposition. On August 24, 2010, defendant was ordered to re-serve plaintiff with the motion and plaintiff was granted an additional thirty days to file his opposition. On August 27, 2010, defendant filed proof of re-service of the motion. Thirty days passed and plaintiff did not file an opposition.


Local Rule 230(l) provides in part: "Failure 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 . . . ." On November 19, 2008, plaintiff was advised of the requirements for filing an opposition to a motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

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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 order filed November 19, 2008, plaintiff was also advised that failure to comply with the Local Rules may result in a recommendation that the action be dismissed.

Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days of the date of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment. Failure to file an opposition will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).

DATED: October 5, 2010

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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