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

STEVEN FRYMAN,

Plaintiff,

No. CIV S-07-2636 JAM DAD P

vs.

A. TRAQUINA, et al.,

Defendants.

ORDER

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On June 10, 2009, defendants Traquina and Noriega filed an amended motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Plaintiff has not opposed the motion.<sup>1</sup>

Local Rule 78-230(m) 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 January 10, 2008, plaintiff was advised 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.

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<sup>1</sup> If plaintiff no longer wishes to proceed with this matter, he should file a request to dismiss this action without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

1 Local Rule 11-110 provides that failure to comply with the Local Rules “may be  
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the  
3 inherent power of the Court.” In the order filed January 10, 2008, plaintiff was advised that  
4 failure to comply with the Local Rules may result in a recommendation that the action be  
5 dismissed.

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

11 DATED: July 29, 2009.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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