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

ALEXANDER LEES,

Plaintiff,

No. CIV S-08-0196 LKK KJM P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____ /

On October 30, 2009, defendants filed a renewed motion to dismiss. It does not appear that plaintiff has opposed the motion, though he has filed objections to the findings and recommendations of September 1, 2009, which may be his opposition.

Local Rule 230(1) 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 July 25, 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.

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 July 25, 2008, plaintiff was advised

1 that failure to comply with the Local Rules may result in a recommendation that the action be
2 dismissed.

3 Plaintiff has filed a motion to compel discovery. After the resolution of the
4 pending motion to dismiss, the court will issue a new schedule for the remainder of the litigation,
5 if necessary.

6 IT THEREFORE ORDERED that:

7 1. Plaintiff's opposition to the October 30, 2009 motion to dismiss is due within
8 thirty days of the date of this order; if the document entitled "Objections to Magistrate Judge's
9 Findings and Recommendations," filed November 17, 2009 (docket no. 85) is the opposition to
10 the motion, plaintiff may so notify the court by letter within the thirty day period.

11 2. Plaintiff's motion to compel discovery (docket no. 78) is denied without
12 prejudice.

13 DATED: April 7, 2010.

14 
15 U.S. MAGISTRATE JUDGE

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