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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 MARK ANTHONY MORENO,
12 Plaintiff,
13 v.
14 DAVID MEDINA, et al.,
15 Defendants.

No. 2:08-cv-1344-JAM-EFB P
ORDER

17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
18 U.S.C. § 1983. On April 2, 2014, defendants Hitchcock, James and Medina filed a motion for
19 summary judgment and informed plaintiff of the requirements for opposing a motion for
20 summary judgment. *See* Fed. R. Civ. P. 56; *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir.
21 1998). After multiple extensions of time, the court granted plaintiff a final extension of thirty
22 days from October 17, 2014, in which to file his opposition. *See* ECF No. 149. That time for
23 acting has passed and plaintiff has not filed an opposition or a statement of no opposition to the
24 motion.

25 In cases in which one party is incarcerated and proceeding without counsel, motions
26 ordinarily are submitted on the record without oral argument. E.D. Cal. Local Rule 230(l).
27 “Opposition, if any, to the granting of the motion shall be served and filed by the responding
28 party not more than twenty-one (21), days after the date of service of the motion.” *Id.* A

1 responding party's failure "to file an opposition or to file a statement of no opposition may be
2 deemed a waiver of any opposition to the granting of the motion and may result in the imposition
3 of sanctions." *Id.* Furthermore, a party's failure to comply with any order or with the Local
4 Rules "may be grounds for imposition by the Court of any and all sanctions authorized by statute
5 or Rule or within the inherent power of the Court." E.D. Cal. Local Rule 110. The court may
6 recommend that an action be dismissed with or without prejudice, as appropriate, if a party
7 disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (9th Cir.
8 1992) (district court did not abuse discretion in dismissing pro se plaintiff's complaint for failing
9 to obey an order to re-file an amended complaint to comply with Federal Rules of Civil
10 Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for pro se
11 plaintiff's failure to comply with local rule regarding notice of change of address affirmed).

12 On January 28, 2009, the court advised plaintiff of the requirements for filing an
13 opposition to the motion, that failure to oppose such a motion may be deemed a waiver of
14 opposition to the motion and that failure to comply with the Local Rules may result in dismissal.

15 Accordingly, it is hereby ORDERED that, within 14 days of the date of this order,
16 plaintiff shall file either an opposition to the motion or a statement of no opposition. Given the
17 lengthy extensions of time previously granted, the court is not inclined to grant further extensions.
18 Failure to comply with this order will result in a recommendation that this action be dismissed.

19 DATED: December 3, 2014.

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21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
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