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

MARK J. VANDENBURGH,

Plaintiff,

No. 2:08-cv-2068-RCF(P)

vs.

LIEUTENANT MARSH, et al,

Defendants.

ORDER

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On June 10, 2009, defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff has not opposed the motion.

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 . . . ." In the Court's Second Informational Order, filed April 27, 2009, 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 11-110 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 Second Informational Order, filed April 27, 2009, plaintiff was advised that failure to comply with the Local Rules may result in the dismissal of his action.

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Good cause appearing, IT IS HEREBY ORDERED that, within 30 days of the date of this order, plaintiff shall file an opposition to the motion to dismiss, if he has any such opposition; otherwise, he shall file a statement of non-opposition. Failure to comply with this order may result in dismissal of plaintiff’s action under Federal Rule of Civil Procedure 41(b).

DATED: July 24, 2009

/s/ Raymond C. Fisher  
Raymond C. Fisher,  
United States Circuit Judge  
Sitting by Designation