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8	UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
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11	VINCENT SOLOMON, No. 2: 08-cv-2544 KJN P
12	Plaintiff,
13	V.
14	T. FELKER, et al.,
15	Defendants.
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17	Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant
18	to 42 U.S.C. § 1983. The parties consented to the jurisdiction of the undersigned.
19	On September 19, 2014, defendants filed a motion for summary judgment. On October
20	29, 2014, the court advised plaintiff of the requirements for opposing a motion pursuant to Rule
21	56 of the Federal Rules of Civil Procedure. See Rand v. Rowland, 154 F.3d 952, 957 (9th Cir.
22	1998) (en banc), and <u>Klingele v. Eikenberry</u> , 849 F.2d 409, 411-12 (9th Cir. 1988). On October
23	29, 2014, the court granted plaintiff thirty days to file his opposition to defendants' summary
24	judgment motion.
25	On November 21, 2014, the court granted plaintiff a thirty days extension of time to file
26	his opposition to defendants' summary judgment motion. Thirty days passed and plaintiff did not
27	file an opposition.
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1	Local Rule 230(1) provides in part: "Failure of the responding party to file written
2	opposition or to file a statement of no opposition may be deemed a waiver of any opposition to
3	the granting of the motion"
4	Local Rule 110 provides that failure to comply with the Local Rules "may be grounds for
5	imposition of any and all sanctions authorized by statute or Rule or within the inherent power of
6	the Court." Finally, Rule 41(b) of the Federal Rules of Civil Procedure provides:
7	Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or
8	to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and
9 10	any dismissal not under this ruleexcept one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19operates as an adjudication on the merits.
11	<u>Id.</u>
12	Good cause appearing, IT IS HEREBY ORDERED that, within thirty days from the date
13	of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment.
14	Failure to file an opposition will be deemed as consent to have the: (a) action dismissed for lack
15	of prosecution; and (b) action dismissed based on plaintiff's failure to comply with these rules
16	and a court order. Such failure shall result in a dismissal of this action pursuant to Federal Rule
17	of Civil Procedure 41(b).
18	Dated: January 7, 2015
19	Ferdall D. Newman
20	Sol2544.osc KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE
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