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

KEVIN GALIK,

Plaintiff,

No. 2: 09-cv-0152 KJN P

vs.

A. NANGALAMA, et al.,

Defendants.

ORDER

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On June 1, 2011, defendants Nangalama and Duc filed a motion to dismiss and/or in the alternative motion for summary judgment. On July 27, 2011, plaintiff was granted thirty days to file an opposition to defendants’ motion. Thirty days passed and plaintiff did not file an opposition.

Local Rule 230(l) 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 November 9, 2010, plaintiff was advised of the requirements for filing an opposition to a 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

1 inherent power of the Court.” In the order filed November 9, 2010, plaintiff was also advised  
2 that failure to comply with the Local Rules may result in a recommendation that the action be  
3 dismissed.


4 Finally, Rule 41(b) of the Federal Rules of Civil Procedure provides:

5 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute  
6 or to comply with these rules or a court order, a defendant may  
7 move to dismiss the action or any claim against it. Unless the  
8 dismissal order states otherwise, a dismissal under this subdivision  
(b) and any dismissal not under this rule--except one for lack of  
jurisdiction, improper venue, or failure to join a party under Rule  
19--operates as an adjudication on the merits.

9 Id.

10 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the  
11 date of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment.  
12 Failure to file an opposition will be deemed as consent to have the: (a) pending motion granted;  
13 (b) plaintiff’s claims against defendants be dismissed for lack of prosecution; and (c) plaintiff’s  
14 claims against defendants be dismissed based on plaintiff’s failure to comply with these rules and  
15 a court order. Such failure shall result in a recommendation that plaintiff’s claims against  
16 defendants be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

17 DATED: September 8, 2011

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20 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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