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

10 NATHAN KEVIN TURNER,

11 Plaintiff,

No. 2:09-cv-00632-GEB-DAD P

12 vs.

13 KATHLINE DICKINSON, et al.,

14 Defendants.

ORDER

15 _____/
16 On August 16, 2012, defendant Rohrer filed a motion for summary judgment
17 pursuant to Rule 56 of the Federal Rules of Civil Procedure. On October 15, 2012 and again on
18 November 27, 2012, plaintiff was granted extensions of time to file his opposition to that motion.
19 (See Docs. No. 45 & 48.) The second order granting an extension of time to oppose the pending
20 motion required plaintiff to place his opposition in the mail no later than December 17, 2012.
21 Nonetheless, plaintiff has still not filed the required opposition. By this order, the court will
22 provide plaintiff with a final extension of time to file his opposition or a statement of non-
23 opposition to defendant Rohrer 's motion for summary judgment.

24 Local Rule 230(l) provides in part: "Failure of the responding party to file an
25 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to
26 the granting of the motion and may result in the imposition of sanctions." On October 21, 2010,

1 plaintiff was advised of the requirements for filing an opposition to a motion for summary
2 judgment and that failure to oppose such a motion may be deemed a waiver of opposition to the
3 motion. (See Doc. No. 16 at 4-5.) With his motion for summary judgment defendant Rohrer has
4 also included the notice required by Woods v. Carey, 684 F.3d 934 (9th Cir. 2012), Rand v.
5 Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc), and Klinge v. Eikenberry, 849 F.2d 409
6 (9th Cir. 1988), advising plaintiff of the requirements for opposing a motion for summary
7 judgment.

8 Finally, plaintiff is advised that Local Rule 110 provides that failure to comply
9 with the Local Rules “may be grounds for imposition by the Court of any and all sanctions
10 authorized by statute or Rule or within the inherent power of the Court.” Thus, in light of the
11 procedural history summarized above including plaintiff’s failure to comply with the court’s
12 prior orders, plaintiff is warned that his failure to comply with the Local Rules and with this
13 order will result in a recommendation that this action be dismissed.

14 Accordingly, IT IS HEREBY ORDERED that, within fourteen days of the date of
15 this order, plaintiff shall file an opposition to the motion for summary judgment, or in the
16 alternative, if plaintiff no longer wishes to proceed with this matter, he shall file a request to
17 dismiss this action without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil
18 Procedure. Plaintiff’s failure to comply with this order will result in the issuance of a
19 recommendation that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of
20 Civil Procedure.

21 DATED: January 2, 2013.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE