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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOWARD SCOTT,
Plaintiff,
v.
M. McDONALD, et al.,
Defendants.

No. 2:09-cv-0851-MCE-EFB P

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 24, 2013, defendants moved to compel plaintiff’s responses to their requests for production and moved for sanctions. ECF No. 124. In violation of the court’s rules, plaintiff has not filed an opposition or a statement of no opposition to the motion to compel.¹ Local Rule 230(1).

In cases in which one party is incarcerated and proceeding without counsel, motions ordinarily are submitted on the record without oral argument. *Id.* “Opposition, if any, to the granting of the motion shall be served and filed with the Clerk by the responding party not more than eighteen (18) days, plus three (3) days for mailing or electronic service, after the date of service of the motion.” *Id.* A responding party’s failure “to file written opposition or to file a

¹ He did, however, request the court schedule a settlement conference. ECF No. 125. That request is denied without prejudice.

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

12 Accordingly, it is hereby ORDERED that, within 21 days of the date of this order,
13 plaintiff shall file either an opposition to the motion to compel or a statement of no opposition.
14 Failure to comply with this order may result in dismissal of this action without prejudice. IT IS
15 FURTHER ORDERED that plaintiff’s request for a settlement conference (ECF No. 125) is
16 denied without prejudice.

17 DATED: December 4, 2013.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE
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