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

JARON LAMAR BRIGNAC,

Plaintiff,

No. CIV 09-1614 FCD EFB P

vs.

JAMES TILTON, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On November 23, 2010, defendant filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff has not opposed the motion.

A responding party’s failure “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 and may result in the imposition of sanctions.” L. R. 230(1). Failure to comply with any order or 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.” L. R. 110. The court may recommend this action be dismissed with or without prejudice, as appropriate, if plaintiff disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir. 1992) (district court did not abuse discretion in dismissing *pro se* plaintiff’s complaint for failing to obey an order to re-file

1 an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856
2 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff's failure to comply with local
3 rule regarding notice of change of address affirmed).

4 Plaintiff is hereby advised unless otherwise ordered, all motions to dismiss, motions for
5 summary judgment, discovery motions, and motions made under the authority of Fed. R. Civ. P.
6 7, 11, 12, 15, 41, 55, 56, 59 and 60, and Local Rule ("L.R.") 110 shall be briefed in accordance
7 with L.R. 230(1). Failure timely to file an opposition or statement of no opposition to a motion
8 may be deemed a waiver of opposition to the motion and may result in the imposition of
9 sanctions. L.R. 230(1). Opposition to all other motions need be filed only as directed by the
10 court.

11 Accordingly, it is hereby ORDERED that:

12 1. The Clerk shall serve upon plaintiff a copy of the Local Rules; and

13 2. Within 30 days of the date of this order, plaintiff shall file either an opposition to the
14 motion to dismiss or a statement of non-opposition. Failure to comply with this order will result
15 in a recommendation that this action be dismissed without prejudice.

16 DATED: January 21, 2011.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE
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