IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MARC ANTHONY LOWELL ENDSLEY,

Plaintiff, No. CIV S-09-2311 WBS GGH P

vs.

STEPHEN MAYBERG, et al.,

Defendants. ORDER

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Defendants filed a motion to dismiss on November 22, 2011, averring that plaintiff had failed to comply with a court order and to participate in discovery. Plaintiff has failed to oppose the motion.

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 19, 2009, plaintiff was advised of the requirements for filing an opposition to a motion to dismiss and that failure to oppose such a motion may be deemed a waiver of opposition to the motion and may result in a recommendation of dismissal of this action. 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 inherent power of the Court." Plaintiff must file any opposition within twenty-one days.

In addition, defendants request a two-month extension of time for the filing of a summary judgment motion following resolution of the motion to dismiss. The motion will be partially granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff shall file an opposition, if any, to defendants' motion to dismiss, filed on November 22, 2011, within twenty-one (21) days. Failure to file an opposition will be deemed a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b);

2. Defendants' December 21, 2011 (docket # 44) motion to extend the deadline for filing a summary judgment motion is partially granted and the January 7, 2012, deadline is vacated; the new deadline for the filing of such a dispositive motion, should it remain appropriate to do so after the resolution of the pending motion to dismiss, is extended for thirty days beyond such resolution.

DATED: December 29, 2011

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE

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