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

RONNIE E. BARRON,

Plaintiff,

No. 2:10-cv-1567 WBS DAD P

vs.

M. MARTEL, et al.,

Defendants.

ORDER

_____ /

On December 10, 2012, counsel for defendants Martinez and Todd filed a motion to dismiss this action, pursuant to unenumerated Rule 12(b) of the Federal Rules of Civil Procedure, arguing that plaintiff had failed to exhaust his administrative remedies prior to filing suit as required. On January 23, 2012, the court granted plaintiff a sixty-day extension of time to file an opposition to the motion. That time has expired, and plaintiff has not filed any opposition to the pending motion to dismiss.

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 September 13, 2012, plaintiff was advised by the court of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

1 Local Rule 110 provides that failure to comply with the Local Rules “may be
2 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
3 inherent power of the Court.” In the court’s order filed September 13, 2012, plaintiff was
4 advised that failure to comply with the Local Rules may result in a recommendation that the
5 action be dismissed.

6 Good cause appearing, IT IS HEREBY ORDERED that, within fourteen days of
7 the date of this order, plaintiff shall file an opposition, if any, to defendants’ motion to dismiss.
8 Failure to file an opposition may be deemed as a statement of non-opposition and may result in a
9 recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).
10 Alternatively, if plaintiff no longer wishes to proceed with this action, he may file a motion to
11 voluntarily dismiss this case.

12 DATED: April 17, 2013.

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16 DALE A. DROZD
17 UNITED STATES MAGISTRATE JUDGE

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16 barr1567.46