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

LACY MITCHELL,

Plaintiff,

No. CIV S-10-1829 KJM DAD P

vs.

WILLIAMS, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. In his complaint plaintiff has also included two state law causes of action over which he seeks to invoke the court’s supplemental jurisdiction pursuant to 28 U.S.C. § 1367. On June 20, 2011, defendants filed a motion to dismiss plaintiff’s state law claims. Although plaintiff was granted two extensions of time by the court to file opposition to the motion to dismiss, he has not done so. See Doc. Nos. 21 and 24.

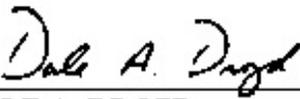
By this order, the court will direct plaintiff to affirm his non-opposition to the defendants’ motion to dismiss his two state law claims by filing a statement of non-opposition with the court. Should plaintiff fail to comply with this order, the court will deem plaintiff’s failure to respond to this order as his non-opposition to the pending motion to dismiss in light of the extensions of time previously granted by the court for this purpose. Furthermore, if plaintiff

1 fails to respond to this order as required, the court will consider recommending the dismissal of
2 this entire action as a sanction for plaintiff's continued failure to comply with the court's orders
3 and/or due to plaintiff's failure to prosecute this action. See Local Rule 230(1) ("Failure of the
4 responding party to file an opposition or to file a statement of no opposition may be deemed a
5 waiver of any opposition to the granting of the motion and may result in the imposition of
6 sanctions."); see also Local Rule 110 ("Failure of counsel or of a party to comply with these
7 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
8 sanctions authorized by statute or Rules or within the inherent power of the Court.").

9 Accordingly, IT IS HEREBY ORDERED that:

10 Within fourteen days from the date of service of this order, plaintiff shall file a
11 statement of non-opposition to defendants' June 20, 2011 motion to dismiss his two causes of
12 action based on state law. Plaintiff's failure to file a statement of non-opposition will be deemed
13 a non-opposition to the defendants' pending motion to dismiss and may result in further
14 sanctions, including dismissal of this action, being imposed.

15 DATED: January 9, 2012.

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18 _____
19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

18 DAD:4
19 mitc1829.nonoppo