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

LEE JAMES BAILEY,

Plaintiff,

No. 2:10-cv-2295 JAM KJN P

vs.

FAIRFIELD POLICE DEPARTMENT,  
et al.,

Defendants.

ORDER

Plaintiff is a Solano County Jail detainee proceeding without counsel and in forma pauperis in this civil rights action. On February 15, 2011, the court ordered service of the complaint on defendants Fairfield Police Department and Fairfield Police Officers Pucci and Jacobsen. On April 27, 2011, defendants filed a motion for more definite statement, pursuant to Federal Rule of Civil Procedure 12(e). Plaintiff has not filed an opposition to 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 February 15, 2011, plaintiff was advised of the requirements for filing an opposition to a motion, expressly including motions filed pursuant to, inter alia, Federal Rule of Civil Procedure 12, and plaintiff was informed that "[f]ailure to timely oppose such a motion may be deemed a waiver of opposition to the motion." (Dkt. No. 10 at 3.)

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 order filed February 15, 2011, plaintiff was advised that  
4 failure to comply with the Local Rules may result in a recommendation that the action be  
5 dismissed.

6 Finally, Rule 41(b) of the Federal Rules of Civil Procedure provides:  
7 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute  
8 or to comply with these rules or a court order, a defendant may  
9 move to dismiss the action or any claim against it. Unless the  
10 dismissal order states otherwise, a dismissal under this subdivision  
11 (b) and any dismissal not under this rule--except one for lack of  
12 jurisdiction, improper venue, or failure to join a party under Rule  
13 19--operates as an adjudication on the merits.

14 Id.

15 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days after  
16 the filing date of this order, plaintiff shall file an opposition, if any, to the pending motion for  
17 more definite statement. Failure to file an opposition will be deemed as consent to have the: (a)  
18 pending motion granted; (b) action dismissed for lack of prosecution; and/or (c) action dismissed  
19 based on plaintiff’s failure to comply with these rules and a court order.

20 SO ORDERED.

21 DATED: June 21, 2011

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24 KENDALL J. NEWMAN  
25 UNITED STATES MAGISTRATE JUDGE

26 bail2295.nooppo.