

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

KENNETH A. GRIFFIN,

Plaintiff,

No. 2:10-cv-2525 MCE JFM (PC)

vs.

J. CLARK KELSO, *et al.*,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

On April 26, 2011, defendant D. Pompan filed a motion to dismiss pursuant to Fed. R. Civ. P.12(b)(6). Plaintiff has not opposed the motion.¹

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 10, 2011, 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.

////

////

¹ Presently before the court are three motions to dismiss. See Doc. Nos. 16, 19 and 28. Of these three, plaintiff has filed an opposition to Doc. Nos. 16 and 28.

1 Accordingly, plaintiff's failure to oppose should be deemed a waiver of
2 opposition to the granting of the motion. IT IS HEREBY RECOMMENDED that the April 26,
3 2011 motion to dismiss filed by defendant D. Pompan be granted.

4 These findings and recommendations are submitted to the United States District
5 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
6 days after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
9 shall be served and filed within fourteen days after service of the objections. The parties are
10 advised that failure to file objections within the specified time may waive the right to appeal the
11 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: August 12, 2011.

13
14 
15 UNITED STATES MAGISTRATE JUDGE

16 /014;grif2525.mtd2
17
18
19
20
21
22
23
24
25
26