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

NORMAN WHITNEY,

Plaintiff,

No. CIV S-10-2532 KJM EFB P

vs.

R. MIRANDA, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 28, 2011, defendants Miranda, Nepomuceno, and Swingle filed a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. After granting plaintiff a 60-day extension of time to file a response, plaintiff has not opposed the motion.


A responding party’s failure “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 and may result in the imposition of sanctions.” L. R. 230(1). Failure to comply with any order or 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.” L. R. 110. The court may recommend this action be dismissed with or without prejudice, as appropriate, if plaintiff disobeys an order or the

1 Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir. 1992) (district court did not
2 abuse discretion in dismissing *pro se* plaintiff's complaint for failing to obey an order to re-file
3 an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856
4 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se* plaintiff's failure to comply with local
5 rule regarding notice of change of address affirmed);

6 On December 3, 2010, the court advised plaintiff of the requirements for filing an
7 opposition to the motion, that failure to oppose such a motion may be deemed a waiver of
8 opposition to the motion, and that failure to comply with the Local Rules may result in a
9 recommendation of dismissal.

10 Accordingly, it is hereby ORDERED that, within twenty-one days of the date of this
11 order, plaintiff shall file either an opposition to the motion for summary judgment or a statement
12 of non-opposition. Failure to comply with this order will result in a recommendation that this
13 action be dismissed without prejudice.

14 DATED: February 28, 2012.

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16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE
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