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

JOHN WILLIAM THOMPSON,

Plaintiff,

No. CIV S-11-0780 GEB DAD P

vs.

GARY SWARTHOUT,

Defendant.

ORDER

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On November 2, 2011, defendant Swarthout filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has not opposed the motion.<sup>1</sup>

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 August 24, 2011, plaintiff was advised 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.

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<sup>1</sup> If plaintiff no longer wishes to proceed with this matter, he should file a request to dismiss this action without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

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 August 24, 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 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the  
7 date of this order, plaintiff shall file an opposition, if any, to defendant’s motion to dismiss.  
8 Failure to file an opposition will be deemed as a statement of non-opposition and shall result in a  
9 recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).

10 DATED: December 14, 2011.

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14 DALE A. DROZD  
15 UNITED STATES MAGISTRATE JUDGE

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