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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MYRON A. PAYNE,
Plaintiff,
v.
MATTHEW CATE et al.,
Defendants.

No. 2:12-cv-0243 DAD P

ORDER

Plaintiff is a state prisoner proceeding pro se with this civil rights action brought pursuant to 42 U.S.C. § 1983. On January 22, 2015, defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. On February 25, 2015, the court granted plaintiff’s motion for a thirty-day extension of time to file and serve his opposition to the motion. That thirty days has now expired, and plaintiff has not filed his opposition to defendants’ motion.

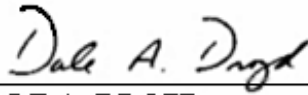
Local Rule 230(l) provides in part: “Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion” On April 30, 2014, plaintiff was advised of the requirements for filing an opposition to the motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

Local Rule 110 provides that failure to comply 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

1 the Court.” In the order filed April 30, 2014, plaintiff was advised that failure to comply with the
2 Local Rules may result in a recommendation that the action be dismissed.

3 Good cause appearing, IT IS HEREBY ORDERED that, within fourteen days of the date
4 of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment filed
5 on behalf of defendants. Failure to file an opposition will be deemed as a statement of non-
6 opposition and shall result in a recommendation that this action be dismissed pursuant Federal
7 Rule of Civil Procedure 41(b). Alternatively, if plaintiff no longer wishes to pursue this action he
8 may file a request to voluntarily dismiss this case.

9 Dated: April 15, 2015

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12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

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