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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GOLDYN COOPER,
Plaintiff,
v.
SCOTT HEATLEY, et al.,
Defendants.

No. 2:12-cv-00602 KJM DAD P

ORDER

Plaintiff is state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On June 17, 2014, defendants filed and served a motion for summary judgment, pursuant to Federal Rule of Civil Procedure 56. (ECF No. 50.)

Pursuant to the Local Rules of this court, plaintiff’s opposition or statement of non-opposition to defendants’ motion for summary judgment was due within 21 days after service of the motion. See Local Rule 230(l). More than 21 days have passed, and plaintiff has not opposed the motion or otherwise communicated with the court.

Local Rule 230(l) further provides that failure to timely respond to a motion may be deemed a waiver of opposition. See Local Rule 230(l). In addition, Local Rule 110 provides that failure to comply with the Local Rules or any order of this court “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

1 Finally, Rule 41(b), Federal Rules of Civil Procedure, authorizes the involuntary dismissal of an
2 action due to a plaintiff's failure to prosecute, or to comply with the Federal Rules or a court
3 order.

4 Good cause appearing, IT IS HEREBY ORDERED that, within 21 days after the filing
5 date of this order, plaintiff shall file and serve an opposition, or statement of no opposition, to the
6 pending motion to dismiss. Failure to timely file an opposition, or statement of no opposition,
7 will be deemed as plaintiff's consent to have this action dismissed for lack of prosecution, and
8 failure to comply with the Local Rules and Federal Rules of Civil Procedure. Said failure shall
9 result in a recommendation that this action be dismissed without prejudice pursuant to Federal
10 Rule of Civil Procedure 41(b).

11 Dated: July 29, 2014

Dale A. Drozd

DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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