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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEON E. MORRIS,  
Plaintiff,  
v.  
NANGALAMA, et al.,  
Defendants.

No. 2:12-cv-1202 MCE KJN P

ORDER

On August 2, 2016, this action was stayed for thirty days, and plaintiff was directed to file a status report within thirty days addressing the status of his current housing. (ECF No. 95.) On August 24, 2016, plaintiff filed a status report stating that he was still waiting to be transferred for a higher level of mental health care, and that he did not have any of his legal property. (ECF No. 96 at 2.) On September 1, 2016, plaintiff filed a change of address in another case, No. 2:11-cv-1171 TLN DB, noting his transfer to Salinas Valley State Prison in Soledad.

On September 2, 2016, defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. Plaintiff has not opposed the 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 . . . .” Id. On August 21, 2012, May 16, 2016, and September 2, 2016, plaintiff was advised of the requirements for filing an opposition to a motion and that failure to

1 oppose such a motion may be deemed a waiver of opposition to the motion. See Rand v.  
2 Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc), and Klinge v. Eikenberry, 849 F.2d 409,  
3 411-12 (9th Cir. 1988).

4 Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for  
5 imposition of any and all sanctions authorized by statute or Rule or within the inherent power of  
6 the Court.” Id. In the order filed August 21, 2012, plaintiff was also advised that failure to  
7 comply with the Local Rules may result in a recommendation that the action be dismissed.

8 Finally, Rule 41(b) of the Federal Rules of Civil Procedure provides:

9 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute or  
10 to comply with these rules or a court order, a defendant may move  
11 to dismiss the action or any claim against it. Unless the dismissal  
12 order states otherwise, a dismissal under this subdivision (b) and  
any dismissal not under this rule--except one for lack of  
jurisdiction, improper venue, or failure to join a party under Rule  
19--operates as an adjudication on the merits.

13 Id.

14 Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days from the  
15 date of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment.  
16 Failure to file an opposition will be deemed as consent to have the: (a) action dismissed for lack  
17 of prosecution; and (b) action dismissed based on plaintiff’s failure to comply with these rules  
18 and a court order. Such failure shall result in a recommendation that this action be dismissed  
19 pursuant to Federal Rule of Civil Procedure 41(b).

20 Dated: October 18, 2016

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KENDALL J. NEWMAN  
23 UNITED STATES MAGISTRATE JUDGE

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