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

ROBERT ELLIS,

Plaintiff,

No. 2:12-cv-1691 KJN P

vs.

REDDY,

Defendant.

ORDER

_____ /

On September 28, 2012, defendant filed a motion to dismiss, pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 12.) Plaintiff’s opposition or statement of opposition was due within twenty-one (21) days. See Local Rule 230(1). Although this period has expired, plaintiff has not opposed the motion or otherwise communicated with the court.

On July 20, 2012, plaintiff was advised of the requirements and deadline for filing an opposition to a motion to dismiss, and informed that failure to oppose such motion may be deemed a waiver of opposition to the motion. (Dkt. No. 9.) As provided by Local Rule 230(1), “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” Local Rule 230 (1).

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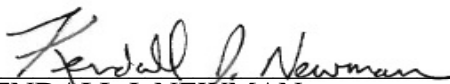
1 In addition, Local Rule 110 provides that failure to comply with the Local Rules
2 or an order of this court “may be grounds for imposition of any and all sanctions authorized by
3 statute or Rule or within the inherent power of the Court.” Finally, Rule 41(b), Federal Rules of
4 Civil Procedure, provides:

5 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute
6 or to comply with these rules or a court order, a defendant may
7 move to dismiss the action or any claim against it. Unless the
8 dismissal 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.

9 Id.

10 Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one (21)
11 days after the filing date of this order, plaintiff shall serve and file an opposition, if any, to
12 defendant’s motion to dismiss. Failure to file an opposition within this deadline will be deemed
13 as consent to have this action dismissed pursuant to the above-noted local and federal rules.

14 DATED: November 8, 2012

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17 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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