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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES WILKERSON,  
Plaintiff,  
v.  
G. NIES, WARDEN, et al.,  
Defendants.

No. 2:12-cv-2251 AC P

ORDER

On June 27, 2013 defendants filed a motion to dismiss pursuant to non-enumerated Federal Rule of Civil Procedure 12(b) and under Fed. R. Civ. 12(b)(6). ECF No. 27. 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 . . . .” On January 8, 2013 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. ECF No. 15. Defendants have also provided notice pursuant to Woods v. Carey, 684 F.3d 934 (9th Cir. 2012), with respect to that portion of the motion brought pursuant to non-enumerated Rule 12(b). See ECF No. 27-5.

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 January 8, 2013 (ECF No. 15), plaintiff was advised that failure to  
2 comply with the Local Rules may result in a recommendation that the action be dismissed.

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

7 DATED: August 7, 2013

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10 ALLISON CLAIRE  
11 UNITED STATES MAGISTRATE JUDGE

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