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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES LEWIS DIXIE,
Plaintiff,
v.
TIM VIRGA, et al.,
Defendants.

No. 2:12-cv-2626 LKK DAD

ORDER AND ORDER TO SHOW CAUSE

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On December 12, 2013, plaintiff filed a Motion for Preliminary Injunction. (ECF No. 37.) Local Rule 230(l) states, in pertinent part:

Opposition, if any, to the granting of [a motion in a prisoner action] shall be served and filed by the responding party not more than twenty-one (21) days after the date of service of the motion. A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect, specifically designating the motion in question. Failure of the responding party to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.

Local Rule 230(1). The proof of service attached to plaintiff's Motion for Preliminary Injunction indicates that plaintiff served defendants with his motion on December 9, 2013. (ECF No. 37 at 11.) Over twenty-one days have passed since the date of service of plaintiff's motion and defendants have not yet filed an opposition or statement of non-opposition to the motion.

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Accordingly, IT IS HEREBY ORDERED that:

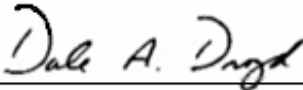
1. Within ten days of this order, defendants shall file an opposition or statement of non-opposition to plaintiff's Motion for Preliminary Injunction. Defendants are cautioned that failure to file an opposition in a timely manner may result in the court treating defendants' inaction as a statement of non-opposition to plaintiff's motion.

2. Within ten days of this order, defendants shall also file a statement showing cause why sanctions should not be imposed for their failure to file an opposition or statement of non-opposition in accordance with the court's local rules. See Local Rules 110, 230(1).

3. Failure to timely file an opposition/non-opposition or a response to this order to show cause, or both, may result in the imposition of sanctions, including the court deeming defendant's inaction as a statement of non-opposition to plaintiff's Motion for Preliminary Injunction or other appropriate sanctions.

4. Plaintiff may file a reply within seven days after defendants file an opposition to the pending motion for preliminary injunction.

Dated: February 20, 2014



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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