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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES CHATMAN,
Plaintiff,
v.
FRAZIER, et al.,
Defendants.

No. 2:13-cv-1605 KJN P

ORDER

On May 19, 2015, defendants filed a motion for order revoking plaintiff’s in forma pauperis status and dismissing the third amended complaint pursuant to U.S.C. § 1915(g). 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 September 16, 2014, plaintiff was advised of the requirements for filing an opposition to a motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion.

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 the Court.” In the order filed September 16, 2014, plaintiff was also advised that failure to comply with the Local Rules may result in a recommendation that the action be dismissed.

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

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

6 Id.

7 Good cause appearing, plaintiff is granted additional time to respond to the motion.

8 On June 22, 2015, defendants filed a request for stay pending ruling on the pending
9 motion to dismiss. (ECF No. 24.) Defendants ask the court to stay the proceedings pending
10 resolution of the pending motion to dismiss or, in the alternative, to grant an extension of time in
11 which to file an answer. In light of the pending motion, the undersigned finds good cause exists
12 to extend the deadline for filing a responsive pleading. All defendants, including defendant
13 Zamora, shall file a responsive pleading thirty days following any order denying the motion to
14 dismiss.

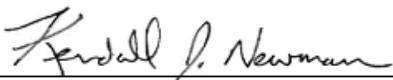
15 IT IS HEREBY ORDERED that:

16 1. Within twenty-one days from the date of this order, plaintiff shall file an opposition, if
17 any, to the pending motion to dismiss. Failure to file an opposition will be deemed as consent to
18 have the: (a) action dismissed for lack of prosecution; and (b) action dismissed based on
19 plaintiff's failure to comply with these rules and a court order. Such failure shall result in a
20 recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

21 2. Defendants' request (ECF No. 24) is partially granted; and

22 3. Defendants shall file a responsive pleading thirty days after any order denying the
23 motion to dismiss (ECF No. 21).

24 Dated: June 23, 2015

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26 _____
KENDALL J. NEWMAN
27 UNITED STATES MAGISTRATE JUDGE

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