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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 QUINTERRIOUS CLARK,

12 Plaintiff,

13 v.

14 M. HERRERA,

15 Defendant.  
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No. 2:13-cv-1885 JAM DB P

ORDER

17 On May 26, 2017, defendants filed a motion for summary judgment pursuant to Federal  
18 Rule of Civil Procedure 56. Plaintiff has not opposed the motion.

19 Local Rule 230(l) provides in part: “Failure of the responding party to file written  
20 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to  
21 the granting of the motion . . . .” Id. In an order filed December 3, 2015, plaintiff was advised of  
22 the requirements for filing an opposition to a motion and that failure to oppose such a motion may  
23 be deemed a waiver of opposition to the motion. See Rand v. Rowland, 154 F.3d 952, 957 (9th  
24 Cir. 1998) (en banc), and Klinge v. Eikenberry, 849 F.2d 409, 411-12 (9th Cir. 1988).

25 Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for  
26 imposition of any and all sanctions authorized by statute or Rule or within the inherent power of  
27 the Court.” Id. In the order filed December 3, 2015, plaintiff was also advised that failure to  
28 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, IT IS HEREBY ORDERED that, within thirty days from the date  
8 of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment.  
9 Failure to file an opposition will be deemed as consent to have the: (a) action dismissed for lack  
10 of prosecution; and (b) action dismissed based on plaintiff's failure to comply with these rules  
11 and a court order. Said failure shall result in a recommendation that this action be dismissed  
12 pursuant to Federal Rule of Civil Procedure 41(b).

13 DATED: July 5, 2017

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16 /s/ DEBORAH BARNES  
17 UNITED STATES MAGISTRATE JUDGE  
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23 DLB:9  
DLB1/prisoner-civil rights/clar1885/nooppo  
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