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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUINTERRIOS CLARK,
Plaintiff,
v.
M. HERRERA,
Defendant.

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

ORDER

On May 26, 2017, defendants filed a motion for summary judgment. On July 6, 2017, plaintiff was ordered to show cause why this case should not be dismissed for his failure to oppose the motion. (ECF No. 35.) On August 14, 2017, plaintiff filed a motion for a 45-day extension of time, which was granted. (ECF Nos. 36, 37.) Those 45 days have passed and plaintiff has not filed an opposition to the summary judgment motion or otherwise responded to the court’s August 17, 2017 order.

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” In an order filed December 3, 2015, 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.

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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 December 3, 2015, plaintiff was advised that failure to comply with the Local Rules may result in a recommendation that the action be dismissed.

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

Dated: October 15, 2017



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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