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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANERAE V. BROWN,
Plaintiff,
v.
P. MARTINEZ et al.,
Defendants.

No. 2:13-cv-2369 DAD P

ORDER

Plaintiff is a state prisoner proceeding pro se with this civil rights action brought pursuant to 42 U.S.C. § 1983. On November 18, 2014, defendants Fish, Foulk, Harness, Kirch, Perez, and Plainer filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff has not opposed the motion.¹

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 2, 2014, 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.

¹ The court observes that defendant Martinez as well as defendant Angulo have also filed motions to dismiss in this case. Plaintiff has filed oppositions to their motions, and defendants Martinez and Angulo have each filed replies thereto.

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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 September 2, 2014, 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 thirty days of the date of this order, plaintiff shall file an opposition, if any, to the motion to dismiss filed on behalf of defendants Fish, Foulk, Harness, Kirch, Perez, and Plainer. Failure to file an opposition will be deemed as a statement of non-opposition and shall result in a recommendation that the action against these defendants be dismissed pursuant Federal Rule of Civil Procedure 41(b).

Dated: January 13, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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