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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO CRUZ TRUJILLO,
Plaintiff,
v.
HITHE, et al.,
Defendants.

No. 2:14-cv-0584 JAM AC P

ORDER


On March 9, 2017, defendant Hithe filed a motion to compel plaintiff’s responses to defendant’s first set of interrogatories pursuant to Federal Rule of Civil Procedure 37. ECF No. 79. Plaintiff has not opposed the motion.

On December 21, 2016, the court issued a discovery and scheduling order requiring discovery responses to be served no later than forty-five days after service of the requests. ECF No. 76 at 4. Defendant Hithe served his First Set of Interrogatories and First Set of Requests for Production of Documents on plaintiff on January 4, 2017. ECF No. 79-2 at 1-9. Defendant Hithe asserts that he has received plaintiff’s responses to the requests for production, but has not received any responses to the interrogatories. ECF No. 79-1 at 2; ECF No. 79-2 at 2, ¶ 3. Defendant Hithe seeks an order requiring plaintiff to serve responses to the First Set of Interrogatories, without objection, within thirty days from the date of any order granting this motion. ECF No. 79-1 at 2-3.

1 Local Rule 230(1) provides in part: “Failure of the responding party to file written
2 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to
3 the granting of the motion” Id. On July 17, 2015, plaintiff was advised of the requirements
4 for filing an opposition to a motion and that failure to oppose such a motion may be deemed a
5 waiver of opposition to the motion. ECF No. 46 at 2-3.

6 Accordingly, IT IS HEREBY ORDERED that, within thirty days from the date of this
7 order, plaintiff shall file an opposition or a statement of non-opposition to defendant Hithe’s
8 motion to compel plaintiff’s responses to defendant’s first set of interrogatories (ECF No. 79).
9 Failure to respond to this order will result in the motion being granted and plaintiff will be
10 ordered to respond to the interrogatories without objection.

11 DATED: March 27, 2017

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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