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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNESTO BERRERA,

Plaintiff,

v.

J. SIVYER., et al.,

Defendants.

No. 2:15-cv-610-KJM-EFB P

ORDER

Plaintiff is a state prisoner proceeding through counsel in an action brought under 42 U.S.C. § 1983. On November 16, 2016, defendant Macomber filed a motion to dismiss. ECF No. 34. Plaintiff has not filed an opposition or a statement of no opposition to the motion.

Pursuant to the court’s April 13, 2016 order, all motions to dismiss shall be briefed in accordance with Local Rule 230(l). ECF No. 19, ¶ 8. “Opposition, if any, to the granting of the motion shall be served and filed by the responding party not more than twenty-one (21), days after the date of service of the motion.” *Id.* A responding party’s failure “to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions.” *Id.*

Furthermore, a party’s failure to comply with any order or with the Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. Local Rule 110. The court may recommend

1 that an action be dismissed with or without prejudice, as appropriate, if a party disobeys an order
2 or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did
3 not abuse discretion in dismissing pro se plaintiff's complaint for failing to obey an order to re-
4 file an amended complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856
5 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local
6 rule regarding notice of change of address affirmed).

7 Accordingly, it is hereby ORDERED that, within 21 days of the date of this order,
8 plaintiff shall file either an opposition to the motion or a statement of no opposition. Failure to
9 comply with this order may result in a recommendation that this action be dismissed without
10 prejudice.

11 DATED: December 12, 2016.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE