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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW MOAK,  
Plaintiff,  
v.  
SACRAMENTO COUNTY,  
Defendant.

No. 2:15-cv-0640 MCE KJN P

ORDER

Plaintiff is a former detainee, proceeding without counsel. On January 18, 2017, defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56. Despite being granted an extension of time on March 2, 2017, plaintiff has not opposed the motion.

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 . . . .” Id. On April 17, 2015, and January 18, 2017, plaintiff was advised of the requirements for filing an opposition to a motion and that failure to oppose such a motion may be deemed a waiver of opposition to the motion. See Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc), and Klinge v. Eikenberry, 849 F.2d 409, 411-12 (9th Cir. 1988).

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1 Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for  
2 imposition of any and all sanctions authorized by statute or Rule or within the inherent power of  
3 the Court.” Id. In the orders filed April 17, 2015, and March 2, 2017, plaintiff was also advised  
4 that failure to comply with the Local Rules may result in a recommendation that the action be  
5 dismissed.


6 Finally, Rule 41(b) of the Federal Rules of Civil Procedure provides:

7 **Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute or  
8 to comply with these rules or a court order, a defendant may move  
9 to dismiss the action or any claim against it. Unless the dismissal  
10 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.

11 Id.

12 Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one days from the  
13 date of this order, plaintiff shall file an opposition, if any, to the motion for summary judgment.  
14 Failure to file an opposition will be deemed as consent to have the: (a) action dismissed for lack  
15 of prosecution; and (b) action dismissed based on plaintiff’s failure to comply with these rules  
16 and a court order. Such failure shall result in a recommendation that this action be dismissed  
17 pursuant to Federal Rule of Civil Procedure 41(b).

18 Dated: April 13, 2017

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KENDALL J. NEWMAN  
21 UNITED STATES MAGISTRATE JUDGE

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