1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DESHONE SMITH, No. 2:15-cv-0979 AC (TEMP) P 12 Plaintiff. 13 **ORDER** v. 14 OFFICER SERGENT, 15 Defendant. 16 17 Plaintiff is a state prisoner proceeding pro se with this civil rights action brought pursuant 18 to 42 U.S.C. § 1983. On February 8, 2016, defendant Sergent filed a motion for a court order 19 pursuant to Local Rule 151, requiring plaintiff to post security before this matter proceeds. 20 According to defendant Sergent, plaintiff is a vexatious litigant and is not likely to succeed on the 21 merits of this case. Plaintiff has not opposed or otherwise responded to the motion. 22 Local Rule 230(1) requires plaintiff to file an opposition not more than twenty-one (21) 23 days after the date of service of a motion. "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 24 25 the granting of the motion . . . ." Plaintiff is reminded that Local Rule 110 provides that failure to 26 comply with the Local Rules "may be grounds for imposition of any and all sanctions authorized 27 by statute or Rule or within the inherent power of the Court." 28 ///// 1

Good cause appearing, IT IS HEREBY ORDERED that, within twenty-one (21) days of the date of this order, plaintiff shall file an opposition, if any, to defendant Sergent's motion for a court order requiring plaintiff to post security before this matter proceeds. 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). Alternatively, if plaintiff no longer wishes to pursue this action he may file a request to voluntarily dismiss this case.

DATED: March 28, 2016

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE