

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ARREOLA,  
Plaintiff,  
v.  
ANDREW POMAZAL, et al.,  
Defendants.

No. 2:15-cv-1179 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff alleges defendants were deliberately indifferent to his medical needs in violation of the Eighth Amendment. Both defendants Pomazal and Lankford filed summary judgment motions. While plaintiff filed an opposition to defendant Pomazal’s summary judgment motion, plaintiff did not file an opposition to defendant Lankford’s motion.


Local Rule 230(1) 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 . . . .” In the court’s order filed November 10, 2015, plaintiff was advised that the failure to oppose a motion for summary judgment may be deemed a waiver of opposition to the motion. (ECF No. 12 at 3.)

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

1 the Court.” In the November 2015 order, plaintiff was also advised that failure to comply with  
2 the Local Rules may result in a recommendation that the action be dismissed.

3 Accordingly, IT IS HEREBY ORDERED that, within twenty days of the date of this  
4 order, plaintiff shall file an opposition, if any, to the motion for summary judgment of defendant  
5 Dr. Lankford. Failure to file an opposition will be deemed as a statement of non-opposition and  
6 shall result in a recommendation that plaintiff’s claims against Dr. Lankford be dismissed  
7 pursuant Federal Rule of Civil Procedure 41(b).

8 Dated: June 30, 2017

9  
10   
11 DEBORAH BARNES  
12 UNITED STATES MAGISTRATE JUDGE  
13  
14

15 DLB:9  
16 DLB1/prisoner-civil rights/arre1179.nooppo  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28