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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DOMINIC VA'SHON WRIGHT,

12 Plaintiff,

13 v.

14 JEFF MACOMBER, et al.,

15 Defendants.
16

No. 2: 16-cv-2054 JAM KJN P

ORDER

17 Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant
18 to 42 U.S.C. § 1983. On October 12, 2018, defendants filed a motion for summary judgment.
19 On March 14, 2019, the undersigned granted plaintiff a thirty day extension of time to file his
20 opposition. Over thirty days passed from March 14, 2019, and plaintiff did not file an opposition.

21 Local Rule 230(l) provides in part: "Failure of the responding party to file written
22 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to
23 the granting of the motion" Id. On June 8, 2018 and October 12, 2018, plaintiff was advised
24 of the requirements for filing an opposition to a motion and that failure to oppose such a motion
25 may be deemed a waiver of opposition to the motion. See Rand v. Rowland, 154 F.3d 952, 957
26 (9th Cir. 1998) (en banc), and Klinge v. Eikenberry, 849 F.2d 409, 411-12 (9th Cir. 1988).

27 Local Rule 110 provides that failure to comply with the Local Rules "may be grounds for
28 imposition of any and all sanctions authorized by statute or Rule or within the inherent power of

1 the Court.” Id. In the order filed June 8, 2018, plaintiff was also advised that failure to comply
2 with the Local Rules may result in a recommendation that the action be dismissed.

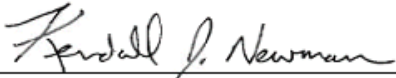
3 Finally, Rule 41(b) of the Federal Rules of Civil Procedure provides:

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

8 Id.

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

15 Dated: April 30, 2019

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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