1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:17-cv-01517-TLN-CKD (PS) ROBERTA BARNETT, 12 Plaintiff. 13 **ORDER** v. 14 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES, et al., 15 Defendants. 16 17 Plaintiff, who proceeds without counsel, initiated this action with a complaint filed on July 18 19 20, 2017. (See ECF No. 1.) This matter is before the undersigned pursuant to 28 U.S.C. § 20 636(b)(1) and E.D. Cal. Local Rule 302(c)(21). 21 On April 19, 2024, defendants filed a motion for summary judgment. (ECF No. 76.) 22 Plaintiff did not file a timely opposition to the motion for summary judgment. 23 The court will provide plaintiff a further opportunity to respond to the pending motion for summary judgment within 14 days after service of this order. Plaintiff is cautioned that any 24 25 further failure to respond will be construed as plaintiff's non-opposition to the motion which 26 would constitute grounds for dismissal under Rule 41(b). 27 Local Rule 230(c) states "[n]o party will be entitled to be heard in opposition to a motion 28 at oral arguments if opposition to the motion has not been timely filed by that party...." 1

Accordingly, the hearing set for May 29, 2024, is vacated. After the conclusion of briefing, the motion will be submitted for decision on the record and written briefing pursuant to Local Rule 230(g). If the court subsequently determines that supplemental briefing or oral argument is necessary, the parties will be notified accordingly.

For the reasons set forth above, IT IS HEREBY ORDERED as follows:

- The May 29, 2024, hearing is VACATED.
- Plaintiff shall file a written opposition (or a statement of non-opposition) to the motion for summary judgment within 14 days after service of this order. Failure to do so will be deemed a statement of non-opposition and consent to the granting of the motion and may constitute an additional ground for the imposition of appropriate sanctions, including a recommendation that plaintiff's case be involuntarily dismissed with prejudice pursuant to Federal Rule of Civil Procedure
- Defendant may file a written reply to any opposition filed by plaintiff within 10 days of plaintiff's filing. The court will take this matter under submission upon conclusion of this briefing schedule.

UNITED STATES MAGISTRATE JUDGE

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