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6   IN THE UNITED STATES DISTRICT COURT

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8   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10   ERNEST WRIGHT,   No. C 08-03134 WHA

11   Plaintiff,

12   v.   **ORDER GRANTING MOTION
                                                        TO DISMISS AS UNOPPOSED**
13   JOHN CHIANG, STATE CONTROLLER,
      JEFFREY V. BROWNFIELD, CHIEF
14   DIVISION OF AUDITS, MATTHEW
      MIRANDA, FIELD AUDITOR, AND
15   DOES 1–XX,

16   Defendants.
                                                    /
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18   Plaintiff, acting *pro se*, filed this action claiming civil rights violations related to

19   defendants' alleged failure to re-appoint him as a probate referee. Defendants moved to dismiss

20   the first amended complaint, and a hearing on the motion was noticed for January 15, 2009.

21   Plaintiff, however, failed to file an opposition to the motion pursuant to Civil Local Rule 7-3.

22   An order dated January 6, 2009, warned plaintiff that his opposition brief was past due and set a

23   new deadline by which plaintiff was permitted to file the opposition brief: January 9, 2009

24   (Dkt. No. 24).[1] The order also warned plaintiff that if he failed to respond, defendants' motion

25   may be granted as unopposed.

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[1] The order erroneously listed the deadline as January 9, 2008.

1   To date, plaintiff has yet to file an opposition brief or to request leave to file a late brief;

2 he has not responded to defendants' motion or the Court's order in any way. Plaintiff has failed

3 to prosecute his case. Defendants' motion to dismiss is therefore **GRANTED** as unopposed. The

4 hearing scheduled for January 22, 2009, is hereby **VACATED**.

5   **JUDGMENT** will be entered in defendants' favor unless plaintiff responds within **TEN**

6 **CALENDAR DAYS** from the date of entry of this order and shows cause why judgment should not

7 be entered.

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9   **IT IS SO ORDERED.**

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11 Dated: January 13, 2009

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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