

United States District Court  
For the Northern District of California

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  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SALVADOR REYNAGA,  
Plaintiff,

v.

CITY OF SEASIDE POLICE  
DEPARTMENT, MONTEREY COUNTY  
DISTRICT ATTORNEY'S OFFICE, VICKI  
MEYERS, LOUIS LUMPKIN and RYAN  
MCGIRK,  
Defendants.

Case No. C-13-01674-RMW

**ORDER GRANTING MOTION TO  
DISMISS**

[Re Docket No. 8]

On August 2, 2013 defendants Monterey County District Attorney's Office and Ryan McGirk filed a motion to dismiss. Pursuant to Local Rule 7-3(a) Plaintiff's opposition or statement of non-opposition was due by August 16, 2013. Plaintiff has failed to file any response. Failure to file an opposition consistent with the court's rules is grounds for granting the motion. *See Justo v. Charter Capital Corp.*, No. C-11-00670-EJD, 2011 WL 2559811 (N.D. Cal. June 28, 2011). Therefore, the court GRANTS the motion to dismiss. Since plaintiff filed no opposition or request for leave to amend, it appears that plaintiff has no facts on which to base a claim or has chosen not to pursue the case. Judgment in favor of defendants will be entered. The non-moving defendants and plaintiff have previously stipulated to dismissal.

Dated: August 29, 2013



Ronald M. Whyte  
United States District Judge