UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ESMELING L. BAHENA, Plaintiff, v. S. CORVERA, Defendant.	No. 2:23-cv-2580-CKD P ORDER

Plaintiff, a state prisoner, proceeds pro se and in forma pauperis with this civil rights action under 42 U.S.C. § 1983. Defendant filed a motion seeking to compel discovery responses and to modify the court's scheduling order. (ECF No. 32.) The undersigned vacated the pretrial motion deadline for dispositive motions. (ECF No. 33.) Plaintiff then filed a motion for extension of time for discovery, however, plaintiff requests an extension of time to conduct his own discovery and does not address defendant's assertions in the motion to compel. (ECF No. 34.) Plaintiff has failed to file a timely response to the motion to compel.

Local Rule 230(l) 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...." Id. 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 the Court." Id. Plaintiff is hereby cautioned that failure to comply

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with the Local Rules may result in a recommendation that the action be dismissed.

In addition, Rule 41(b) of the Federal Rules of Civil Procedure provides:

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

Id.

With these admonitions in place, plaintiff is granted 21 days from the date of this order to file an opposition or statement of non-opposition to defendant's motion to compel. Plaintiff's motion for an extension of time will be addressed in due course.[1]

Good cause appearing, IT IS ORDERED that, within 21 days from the date of this order, plaintiff shall file an opposition, if any, to defendant's motion to compel responses to defendant's written discovery; defendant may file a reply within 14 days of any opposition filed by plaintiff. Failure to file an opposition or otherwise respond to this order will be deemed as plaintiff's consent to have the motion to compel granted.

Dated: September 3, 2025

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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[1] Plaintiff's motion for an extension of time states he lacks access to a tablet and legal research, however, neither is necessary for plaintiff to respond to defendant's argument that plaintiff has not responded to defendant's request for production of documents. Similarly, legal research is not necessary for plaintiff to respond to arguments that he gave evasive or incomplete responses to interrogatories and requests for admission.