UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NAQIBULLAH NADEEM MOHAMMADULLAH KHAN,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:25-cv-01522-DC-CKD (PS)

ORDER

Plaintiff proceeds without counsel on a first amended complaint filed on September 2, 2026. (ECF No. 41.) On September 17, 2026, defendant filed a motion to dismiss under Rule 12(b)(1) and (b)(6) of the Federal Rules of Civil Procedure. (ECF No. 8.) Plaintiff did not file a timely opposition to the motion to dismiss.

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[.]" Plaintiff is cautioned that a district court may impose sanctions, including involuntary dismissal of a plaintiff's case pursuant to Federal Rule of Civil Procedure 41(b), where that plaintiff fails to prosecute the case or fails to comply with the court's orders, the Federal Rules of Civil Procedure, or the court's local rules. See Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991); Hells Canyon Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005); Local Rule 183(a).

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With this warning in place, the court will provide plaintiff a further opportunity to respond to the pending motion to dismiss within 14 days after service of this order. Plaintiff is cautioned that any further failure to respond will be construed as non-opposition to the granting of the motion and may also constitute grounds for dismissal of this case under Rule 41(b) of the Federal Rules of Civil Procedure.

Local Rule 230(c) states "[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party[.]" Thus, the hearing re-set to take place on October 28, 2026, is vacated.

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

1. The hearing on defendant's motion to dismiss re-set for October 28, 2026, is VACATED.
2. Plaintiff shall file a written opposition (or a statement of non-opposition) to the pending motion to dismiss 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 41(b).
3. Defendants may file a written reply to any opposition filed by plaintiff within 10 days of plaintiff's filing. This matter is taken under submission upon conclusion of this briefing schedule.

Dated: October 16, 2026

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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