

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Bobby Lee Collins v. Kurgan, et al.

No. 2:23-cv-1600 CSK P (E.D. Cal. Sept. 17, 2025) · No. No. 2:23-cv-1600 CSK P · Decided September 17,
2025

SUMMARY

In this order, the United States District Court for the Eastern District of California directs plaintiff Bobby Lee Collins to file an opposition to defendants' motion for summary judgment within 30 days. The court warns that failure to respond will be deemed consent to dismissal for lack of prosecution and failure to comply with court rules and an order, with a recommendation for dismissal under Federal Rule of Civil Procedure 41(b).

OPINION

Kurgan

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 BOBBY LEE COLLINS, No. 2:23-cv-1600 CSK P

12 Plaintiff, 13 v. ORDER 14 KURGAN, et al., 15 Defendants. 16 17 On August 5, 2025, defendants filed a motion for summary judgment pursuant to Federal 18 Rule of Civil Procedure 56. Plaintiff did not oppose the motion. 19 Local Rule 230(l) provides in part: “Failure of the responding party to file written 20 opposition or to file a statement of no opposition may be deemed a waiver of any opposition to 21 the granting of the motion” Local Rule 230(l). On August 5, 2025, defendants provided to 22 plaintiff the requirements for filing an opposition to a motion and that failure to oppose such a 23 motion may be deemed a waiver of opposition to the motion. (ECF No. 59-4 (citing Rand v. 24 Rowland, 154 F.3d 952, 957 (9th Cir. 1998) (en banc)).) 25 Rule 41(b) of the Federal Rules of Civil Procedure provides:

26 Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to 27 dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any 28 dismissal not under this rule—except one for lack of jurisdiction,] improper venue, or failure to join a party under Rule 19—operates as 5 an adjudication on the merits. 3 || Fed. R. Civ. P. 41(b). 4 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days from the date 5 || of this

order, plaintiff shall file an opposition, if any, to the motion for summary judgment. 6 || Failure to
file an opposition will be deemed as consent to have the: (a) action dismissed for lack 7 || of
prosecution; and (b) action dismissed based on plaintiff's failure to comply with these rules g || and
acourt order. Said failure shall result in a recommendation that this action be dismissed 9 ||
pursuant to Federal Rule of Civil Procedure 41(b). 10 11 || Dated: September 17, 2025 4 aA 1 Cnn
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13 UNITED STATES MAGISTRATE JUDGE

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