

**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

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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