

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ROBERT MITCHELL,  
Plaintiff,  
v.  
T. FELKER, et al.,  
Defendants.

CASE NO. C08-1196RAJ  
ORDER ON MOTIONS

This matter comes before the court on three motions from Plaintiff Robert Mitchell. The first is a motion (Dkt. # 36) to amend his complaint. The second is a motion (Dkt. # 38) for voluntary dismissal of all claims against Defendants N. Grannis and K. Allen. The third is a motion (Dkt. # 39) to impose sanctions on Defendants for failing to respond to Mr. Mitchell’s motion to amend.

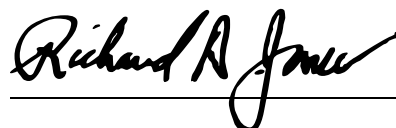
The court GRANTS Mr. Mitchell’s motion for voluntary dismissal, dismissing all claims against Defendants Grannis and Allen with prejudice. No party has opposed this motion. The court directs the clerk to terminate Defendants Grannis and Allen as parties in this action.

The court GRANTS Mr. Mitchell’s motion to amend his complaint. Defendants did not oppose the motion, although in response to Mr. Mitchell’s motion for sanctions, they stated that they did not oppose the filing of an amended complaint.

1           The court DENIES Mr. Mitchell's motion for sanctions. This court's local rules  
2 require parties to either oppose motions or file statements of non-opposition, and permits  
3 a court to impose sanctions for parties who do not comply. LR 230(1). Defendants did  
4 neither in response to Mr. Mitchell's motion to amend and his motion for voluntary  
5 dismissal. Although the court does not condone violations of the local rules, it finds no  
6 basis for sanctions in this instance.

7           The court observes that no party filed a dispositive motion before June 30, 2010,  
8 the deadline set in the court's November 11, 2009 order setting a pretrial schedule. Mr.  
9 Mitchell's motion to compel discovery responses (Dkt. # 26) remains pending. The court  
10 will set a trial date or other pretrial deadlines in conjunction with its order resolving that  
11 motion.

12           DATED this 6th day of August, 2010.

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16           The Honorable Richard A. Jones  
17           United States District Judge