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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Olga Clarissa Ortega,

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No. CV-11-0140-PHX-LOA

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Petitioner,

)

**ORDER**

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vs.

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Hillary Rodham Clinton, Secretary of  
State of the United States,

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Respondent.

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On June 28, 2011, Petitioner filed her Response to Respondent’s Motion to Stay Civil Proceedings. (Doc. 37) The Court has previously ordered Petitioners’ counsel to use proper capitalization in the caption of this case as required by LRCiv.7.1(a)(3), doc. 18 at 3, and has ordered three times that all counsel to comply with the District Court’s Local Rules. (Docs. 23 at 2-3, 26 at 5, 33 at 6) Petitioner’s Response to Respondent’s Motion to Stay Civil Proceedings violates the District of Arizona’s Local Rules by using all capital letters in the Response’s caption and unauthorized bolding.

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The Ninth Circuit has “explain[ed], yet again, the importance of following a district court’s local rules. ‘District courts have broad discretion in interpreting and applying their local rules.’” *Simmons v. Navajo County*, 609 F.3d 1011, 1017 (9<sup>th</sup> Cir. 2010) (quoting *Miranda v. S. Pac. Transp. Co.*, 710 F.2d 516, 521 (9th Cir. 1983)). Local rules have “the force of law.” *Hollingsworth v. Perry*, \_\_\_ U.S. \_\_\_, 130 S.Ct. 705, 710 (2010) (quoting *Weil v. Neary*, 278 U.S. 160, 169 (1929)). They “are binding upon the

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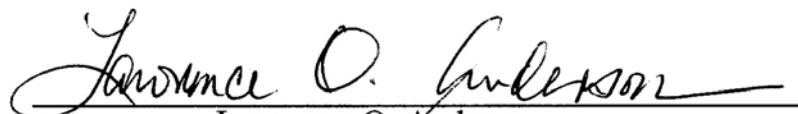
1 parties and upon the district court, and a departure from local rules that affects substantial  
2 rights requires reversal.” *Professional Programs Group v. Department of Commerce*, 29  
3 F.3d 1349, 1353 (9th Cir. 1994) (internal quotation marks omitted). Although technical,  
4 minor violations, counsels’ errors demonstrate a continued practice of failure to give  
5 appropriate consideration to prior court orders and the Local Rules which may eventually  
6 result in a more egregious violation, resulting in possible prejudice to the adverse party or  
7 unnecessary delay in this litigation.

8 On the Court’s own motion,

9 **IT IS ORDERED** that Petitioner’s Response to Respondent’s Motion to  
10 Stay Civil Proceedings, doc. 37, is hereby **STRICKEN** without prejudice.

11 **IT IS FURTHER ORDERED** that Petitioner shall re-file her Response to  
12 Respondent’s Motion to Stay Civil Proceedings on or before **Monday, August 1, 2011**  
13 which shall be substantively identical to her June 28, 2011 filing except it shall comply in  
14 all respects with this Order and the Local Rules (*i.e.*, use of proper capitalization, no  
15 bolding in the header or case number, and elimination of the unauthorized statement:  
16 “**Immigration File No.:A020 511 007**”) or Respondent’s Motion to Stay Civil Proceedings  
17 may be summarily granted. Future violations of the Local Rules may result in more  
18 severe sanctions against Petitioner or her counsel.

19 DATED this 25th day of July, 2011.

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22 Lawrence O. Anderson  
23 United States Magistrate Judge  
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