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**United States District Court
Central District of California**

MICHELE DOBSON, individually, and
ANNE MARY FLYNN, as Guardian Ad
Litem of M.W.D. and D.T.W.,
Plaintiffs,
v.
STATE OF CALIFORNIA; COUNTY OF
LOS ANGELES; LONG BEACH
POLICE DEPARTMENT;
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES OF THE COUNTY
OF LOS ANGELES; DEPARTMENT OF
HUMAN SERVICES SYSTEMS OF THE
COUNTY OF LOS ANGELES;
SHANNON STEVENSON; KELLY
CALLAHAN; BILLY FOSTER; SARAI
GARCIA; HELENE HANDLER;
ROBERT MUNOZ; JAMIE ESTRADA;
DI LINDA BOSSENMEYER; BRITTANI

Case No. 2:15-cv-9648-ODW(JPR)

**ORDER GRANTING
DEFENDANTS' MOTIONS TO
DISMISS WITH PREJUDICE [81, 83,
85, 88]**

1 JOHNSON; KAIRON WILLIAMS;
2 SUSAN JEOUNG; LONG BEACH
3 UNIFIED SCHOOL DISTRICT; LAURA
4 WHEELS; IDA MOSCOSCO; LAW
5 OFFICES OF MARLENE FURTH;
6 CHILDRENS LAW CENTER OF
7 CALIFORNIA; CAMP FIRE WRAP
8 USA; and JENNIFER CANTALAN,
9 Defendants.

10 I. INTRODUCTION

11 Before the Court are four Motions to Dismiss Plaintiff Michele Dobson’s
12 Second Amended Complaint (“SAC”). For the reasons discussed below, the Court
13 **GRANTS** each Motion as unopposed and **DENIES** leave to amend.
14

15 II. FACTUAL BACKGROUND

16 Plaintiff Dobson’s allegations are well-known to this Court. On December 16,
17 2016, Plaintiff, proceeding pro se, filed her original Complaint in this matter, bringing
18 at least sixteen claims for relief, including: Fourth Amendment unlawful entry,
19 seizure, search and “removal” violations; First Amendment violations; Fourteenth
20 Amendment interference with familial relations, continued detention, and
21 “presentation of false evidence” violations; as well as state law claims for intentional
22 infliction of emotional distress, malicious prosecution, “failure to protect,” legal
23 malpractice, medical malpractice, interference with economic relations, and negligent
24 hiring and supervision. (Compl. ¶¶ 213–371, ECF No. 4.)
25

26 On February 18, 2016, the Court granted then-Defendant Daniel Kramon’s
27 Motion to Dismiss the entire Complaint after Plaintiff failed to file a timely opposition
28 or non-opposition. (First MTD Order 4, ECF No. 51.) The Court gave Plaintiff until

1 March 14, 2016 to amend her pleadings. (*Id.* 5.)

2 Plaintiff filed her First Amended Complaint (“FAC”) on March 11, 2016. (ECF
3 No. 58.) Reiterating the same nonsensical claims, this pleading managed to build on
4 the original Complaint’s 300 pages and clocked in at a staggering 324 pages. The
5 Court *sua sponte* dismissed the FAC for failing to comply with the minimal pleading
6 requirements of Rule 8 and instructed Plaintiff to cure the deficiencies by April 15,
7 2016. (Second MTD Order 5–7, ECF No. 70.)

8 Now before the Court is Plaintiff’s third bite at the apple: her SAC. (ECF No.
9 73.) This operative Complaint is slightly abbreviated, in that it only measures 93
10 pages. Again, Plaintiff seeks injunctive relief and damages against 22 Defendants,
11 including the City of Long Beach, the County of Los Angeles, and myriad individual
12 officers and private citizens (collectively “Defendants”). (*Id.*) From what the Court
13 can ascertain, Plaintiff claims that the County of Los Angeles, the City of Long
14 Beach, and various local government agencies and individuals violated her rights and
15 those of her two minor children when her daughter was removed from her home due
16 to concerns of child abuse.¹

17 Defendants Law Offices of Marlene Furth, County of Los Angeles, Camp Fire
18 USA, Long Beach Unified School District, Ida Moscosco, and Laura Wheels filed
19 four separate Motions to Dismiss. (ECF Nos. 81, 83, 85, 88.)² Each argue that the
20 entire SAC should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).
21 (*Id.*) In addition, the County of Los Angeles and the Law Offices of Marlene Furth
22 argue for dismissal under Rule 8. (ECF Nos. 81, 83.) Camp Fire USA and the Law
23 Offices of Marlene Furth also move for dismissal under Rule 12(b)(1). (ECF Nos. 81,

24 ¹ After multiple attempts to file nonconforming, longwinded, and untimely Applications for
25 Guardian Ad Litem Status, the Court struck her representative capacities from the SAC. (ECF No.
26 76.) On April 21, 2016, Anne Mary Flynn, the minors’ godmother, applied for Guardian Ad Litem
27 Status. (ECF No. 77.) The Court granted the application and reinstated the causes of action asserted
28 on behalf of the minors. (ECF No. 79.)

² Defendant Daniel Kramon also filed a Motion to Dismiss. (ECF No. 80.) The Court granted his
motion separately, finding that Plaintiff abandoned her claims against Kramon by failing to mention
Kramon in the SAC. (ECF No. 84.) Daniel Kramon is no longer a party to this action.

1 85.)

2 Plaintiff failed to timely oppose any of these Motions. Any opposition to the
3 Motions filed by the Law Offices of Marlene Furth, Camp Fire USA, the Long Beach
4 Unified School District, Ida Moscosco, and Laura Wheels was due on May 23, 2016.
5 Opposition to the County’s Motion was due May 16, 2016, and while Plaintiff did
6 manage to file an opposition, it was untimely—and filed three times. (ECF Nos. 90–
7 92.)

8 III. LEGAL STANDARD

9 Local Civil Rule 7-9 requires a party opposing a motion to file an opposition or
10 statement of non-opposition at least twenty-one days before the noticed hearing date.
11 District courts have broad discretion to enact and apply local rules, including
12 dismissal of a case for failure to comply with the local rules. *Ghazali v. Moran*, 46
13 F.3d 52, 53 (9th Cir. 1995) (affirming grant of an unopposed motion to dismiss under
14 local rule by deeming a pro se litigant’s failure to oppose as consent to granting the
15 motion); *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). Even though the
16 court has an obligation to liberally construe their pleadings, “pro se litigants are bound
17 by the rules of procedure.” *Ghazali*, 46 F.3d at 54. Before dismissing an action for
18 failure to comply with local rules, the district court “weigh[s] several factors: ‘(1) the
19 public’s interest in expeditious resolution of litigation; (2) the court’s need to manage
20 its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring
21 disposition of cases of their merits; and (5) the availability of less drastic sanctions.’”
22 *Id.* at 53 (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).
23

24 IV. DISCUSSION

25 The Court finds that Plaintiff clearly violated Local Rule 7-9 by failing to file
26 timely oppositions or non-oppositions to any of the Motions pending before the Court.
27 The Motions filed by the Law Offices of Marlene Furth, Camp Fire USA, the Long
28 Beach Unified School District, Isa Moscosco, and Laura Wheels had a noticed hearing

1 date of June 13, 2016, and any opposition was due on May 23, 2016. (ECF Nos. 81,
2 85, 88.) No such oppositions were filed. The County’s Motion to Dismiss had a
3 noticed hearing date of June 6, 2016, with an opposition deadline of May 16, 2016.
4 (ECF No. 83.) However, Plaintiff did not oppose this Motion until May 19, 2016.
5 (ECF Nos. 90–92.)

6 The Court concludes that “the public’s interest in expeditious resolution of
7 litigation,” “the court’s need to manage its docket,” and “the risk of prejudice to the
8 defendants” weigh in favor of granting the Motions to Dismiss in their entirety. *See*
9 *Ghazali*, 46 F.3d at 53. While public policy and the availability of less drastic
10 sanctions would usually counsel in favor of denial of the motion, Plaintiff’s consistent
11 disregard for the Court’s time and resources outweighs this inclination.

12 Moreover, coupled with Plaintiff’s current disregard for court deadlines is the
13 fact that this Court previously granted a Motion to Dismiss for similar reasons. When
14 the Court entered its first dismissal order, it clearly laid out a litigant’s obligation to
15 follow court rules and deadlines and explained that the failure to file a timely
16 opposition will signal to the court that the litigant does not oppose the motion—
17 regardless of the litigant’s pro se status. (First MTD Order 3–4 (citing *Ghazali*, 46
18 F.3d at 53).) Plaintiff’s consistent disregard of deadlines throughout this litigation
19 shows that the Court’s offers of second, third, and sometimes fourth chances were for
20 naught and its benefit of the doubt misplaced. The Court will not make that mistake
21 again. Plaintiff’s unfailing inability to follow court rules not only caused significant
22 delay and wasted precious judicial resources; it also forced Defendants to file up to
23 three Motions to Dismiss each within the last five months. *See Sun World, Inc. v.*
24 *Lizarazu Olivarria*, 144 F.R.D. 384, 390 (E.D. Cal. 1992). Accordingly, the Court
25 will not continue to entertain Plaintiff’s nonsensical ramblings if she cannot even
26 adhere to basic court deadlines.

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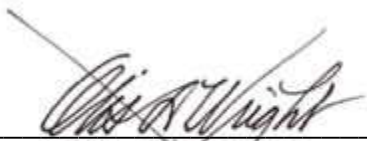
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V. CONCLUSION

For the reasons discussed above, the Court **GRANTS** Defendants’ Motions to Dismiss as unopposed, and does so with prejudice. Due to Plaintiff’s utter lack of respect for this Court’s time and resources and her refusal to follow court orders, the Court directs the Clerk of Court to close this case.

IT IS SO ORDERED.

May 25, 2016



OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE