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7	United States District Court	
8	Central District of California	
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10	UNITED STATES OF AMERICA,	Case № 2:16-cv-08388-ODW (AFM)
11	Plaintiff,	
12	V.	ORDER GRANTING
13	\$16,284.00 IN U.S. CURRENCY,	DEFENDANTS' MOTION TO
14	Defendant,	STRIKE CLAIM AND ANSWER AS
15		UNOPPOSED [25]
16	MARIA CONSUELO DIAZ,	
17	Claimant.	
18	On November 10, 2016, the United States government filed a verified	

10, 2016, the United complaint for forfeiture against \$16,284.00, noting that the complaint and proceedings could adversely affect the interests of Maria Diaz and Federico Diaz. (Compl., ECF 20 No. 1.) The government seized the defendant currency during the execution of a search warrant at a residence located in Los Angeles, California. (Id. ¶ 5.)

The government published the forfeiture on the official government forfeiture 23 website, constituting service of process in this action. (See ECF No. 11.) On 24 February 13, 2017, once the period for filing a claim in this action had passed with no 25 claims appearing on the docket, the government applied to the clerk of court for entry 26 of default. (ECF No. 12.) The clerk accordingly entered default as to the interests of 27 Maria Diaz, Federico Diaz, and all other potential claimants. (ECF No. 13.) 28

However, on February 23, 2017, the clerk became aware that Maria Diaz had filed a Claim and Answer on December 22, 2016, but due to a clerical error, the claim was not docketed. On February 23, 2017, the clerk of court docketed the claim, with it backdated to reflect the actual filing date of December 22, 2016. (See ECF No. 16.) Consequently, the Court vacated the default. (ECF No. 18.)

After Maria Diaz's Claim and Answer were docketed, the government filed a motion to strike the Claim and Answer for lack of standing. (ECF No. 25.) The motion was noticed for a hearing date of July 24, 2017. (Id.) Pursuant to Local Rule 7-9, Diaz's opposition to the motion to strike was due on July 3, 2017. After receiving no opposition by that date, and in light of the fact that Diaz is appearing in this action *pro se* and is thus entitled to an additional degree of leniency, the Court continued the government's motion to strike and allowed Diaz several extra days in which to file an opposition. (ECF No. 29.) The Court ordered that Diaz had until July 17, 2017, to oppose the motion. (Id.) That date has since passed with no further filings in this case. Therefore, the Court must now consider the government's motion on the basis that it is unopposed.

17 Local Rule 7-12 allows the Court to grant motions as unopposed in the event that a timely opposition is not filed. C.D. Cal. L.R. 7-12; Ghazali v. Moran, 46 F.3d 18 52, 53 (9th Cir. 1995) (affirming dismissal on the basis of unopposed motion where 19 20 local rule permitted such a dismissal). In determining whether to grant an unopposed motion courts weigh the following factors: "(1) the public's interest in expeditious 21 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of 22 prejudice to the defendants; (4) the public policy favoring disposition of cases on their 23 merits; and (5) the availability of less drastic sanctions." Ghazali, 46 F.3d at 53 24 (quoting Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)). The Ninth 25 Circuit has recognized that the first and fourth factors cut in opposite directions. See 26 Yourish v. Cal. Amplifier, 191 F.3d 983, 990 (9th Cir. 1999) (first factor always

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weighs in favor of granting as unopposed); Hernandez v. City of El Monte, 138 F.3d 393, 401 (9th Cir. 1998) (fourth factor always weighs against granting as unopposed).

motion. The Court must manage its docket to ensure the efficient provision of justice.

After already once giving Diaz extra time to file an opposition, the Court cannot

Here, the second factor also weighs in favor of granting the government's

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continue waiting for a response. In light of the additional time the Court has already given Diaz, the fifth factor weighs in favor of granting the motion as unopposed as well. Because the Court has not received any response from Diaz in weeks, the likelihood that less drastic sanctions would have any effect is low.

Finding that the *Ghazali* factors weigh in favor of granting the government's motion to strike as unopposed, the Court **GRANTS** the motion and **STRIKES** Maria Diaz's Claim and Answer in this action. As there is now no operative pleading from Diaz or any other defendant or potential claimant in this case, the Clerk of Court is **ORDERED** to enter default as to the interests of Maria Consuelo Diaz, a/k/a Maria Consuelo, a/k/a Maria C. Diaz; Frederico Diaz; and all other potential claimants.

IT IS SO ORDERED.

July 18, 2017

OTIS D. WRIGHT, II UNITED STATES DISTRICT JUDGE