

PRIORITY SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 10-00856 VAP(OPx)

Date: January 5, 2011

Title: JAMES M. WARD v. CALIFORNIA DEPARTMENT OF CORRECTIONS
AND REHABILITATION

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFFS:

ATTORNEYS PRESENT FOR
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER (1) VACATING JANUARY 10, 2011
HEARING, AND (2) ORDERING PLAINTIFF TO SHOW
CAUSE (IN CHAMBERS)

On December 7, 2010, Defendant California Department of Corrections and Rehabilitation ("Defendant") filed a Motion to Dismiss ("Motion"), set for hearing on January 10, 2011. (Doc. No. 18.) On January 3, 2011, Plaintiff James W. Ward ("Plaintiff") filed a "Memorandum in Opposition to the Motion to Dismiss" ("Opposition"). (Doc. No. 23.)

Pursuant to Local Rule 7-9, Plaintiff filed the Opposition two weeks late. See L.R. 7-9 ("Each opposing party shall [file opposition] . . . not later than twenty-one (21) days before the date designated for the hearing of the motion . . ."). Plaintiff

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provided no explanation for his untimely filing. Under Local Rule 7-13, a court "may decline to consider any memorandum . . . not filed within the deadline set by order or local rule." Furthermore, "[t]he failure to file any required paper . . . within the deadline, may be deemed consent to the granting or denial of the motion." L.R. 7-13.

The Court accordingly VACATES the January 10, 2011 hearing and ORDERS Plaintiff to show cause in writing by Friday, January 7, 2011, why his failure to timely file the Opposition should not be deemed consent to granting the Motion under Local Rule 7-12. Failure to respond timely to this Order to Show Cause may result in dismissal of this action.

IT IS SO ORDERED.