UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	SACV 16-00407 AG (KESx)	Date	January 12, 2017
Title	JOHN HO v. HAI DANG ET AL.		

Present: The Honorable   ANDREW J. GUILFORD

Lisa Bredahl	Not Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

Proceedings: [IN CHAMBERS] ORDER TO SHOW CAUSE REGARDING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

This case concerns the accessibility of parking spaces at El Ranchito Market in Long Beach, California. (Compl., Dkt. No. 1, PageID 2–4.) John Ho, the plaintiff here, sued Hai and Lien Dang, who apparently own the property at issue, alleging various violations of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, the Unruh Civil Rights Act, Cal. Civ. Code § 51 *et seq.*, and other related state laws.

Congress passed the Americans with Disabilities Act "to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(2). "Discrimination against the handicapped," Congress thought, was "most often the product, not of invidious animus, but rather of thoughtlessness and indifference—of benign neglect." *Alexander v. Choate*, 469 U.S. 287, 295 (1985).

Ho has pursued his rights under the Act, but the defendants, it seems, have *neglected* their own defense. Although Hai and Lien Dang, proceeding *pro se*, previously appeared at an early scheduling conference and filed an answer, they have since failed to oppose to the plaintiff's motion for summary judgment. *See* C.D. Cal. L.R. 7-9.

Courts have hesitated to grant a motion for summary judgment simply because the non-moving party has failed to file an opposition. *See Cristobal v. Siegel*, 26 F.3d 1488, 1494–95 &

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n.4 (9th Cir. 1994). An alternative practice, contemplated by the federal rules, is to "give [the non-moving party] an opportunity to properly support or address" any assertions of fact contained in the motion for summary judgment. *See* Fed. R. Civ. P. 56(e)(1). And that practice may be particularly appropriate where, as here, the non-moving party is proceeding *pro se. Cf. Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (noting that *pro se* litigants are generally "held to less stringent standards" than lawyers).

The Court therefore CONTINUES the plaintiff's motion for summary judgment to a status conference on February 13, 2017, at 9:00 a.m. (Dkt. No. 16.) The defendants are further ORDERED to appear at this hearing, to show cause why they have failed to file an opposition to the motion for summary judgment, and why the Court should not strike their answer to the complaint and enter default.

The Court also encourages the defendants to take advantage of the significant resources available to *pro se* litigants. The Public Law Center runs a free "Federal Pro Se Clinic" at the Santa Ana federal courthouse where self-represented litigants can get information and guidance. Visitors to the clinic must make an appointment by calling (714) 541-1010 (x222). The clinic is located in Room 1055 of the Ronald Reagan Federal Building and United States Courthouse, 411 W. 4th Street, Santa Ana, CA. More information about the clinic may be found by visiting http://court.cacd.uscourts.gov/cacd/ProSe.nsf and selecting "Pro Se Clinic - Santa Ana."

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