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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JAMES GAINES, JR.,  
Plaintiff,  
v.  
BEASLEY, et al.,  
Defendants.

No. 1:15-cv-1533 LJO JLT P  
**FINDINGS AND RECOMMENDATIONS  
TO DISMISS CASE FOR FAILURE TO  
PROSECUTE AND FAILURE TO  
COMPLY WITH COURT ORDER**  
**FOURTEEN-DAY DEADLINE**

On January 2, 2019, defendant Curtiss filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56(f). When plaintiff did not oppose the motion within the time prescribed by Local Rule 230(l), the Court ordered him to do so on or before May 2, 2019. The time for filing an opposition has now passed, and plaintiff has not responded to the Court order.

Local Rule 230(l) provides in part: “Failure of the responding party to file written opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion. . .” Further, Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

“Failure to follow a district court’s local rules is a proper ground for dismissal.” Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Pro se litigants are bound by the rules of procedure, even though pleadings are liberally construed in their favor. King v. Atiyeh, 814 F.2d 565, 567

1 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362, 1364-65 (9th Cir.1986).

2 In determining to recommend that this action be dismissed, the court has considered the  
3 five factors set forth in Ghazali, 46 F.3d at 53. Plaintiff's failure to comply with the Local Rules  
4 has impeded the expeditious resolution of the instant litigation and has burdened the court's  
5 docket, consuming scarce judicial resources in addressing litigation which plaintiff demonstrates  
6 no intention to pursue. Although public policy favors disposition of cases on their merits,  
7 plaintiff's failure to oppose the pending motion has precluded the court from doing so. In  
8 addition, defendant is prejudiced by the inability to reply to opposition. Finally, the Court has  
9 repeatedly advised plaintiff of the requirements under the Local Rules and granted ample  
10 additional time to oppose the pending motion, all to no avail. The Court finds no suitable  
11 alternative to dismissal of this action.

12 Accordingly, the Court **RECOMMENDS** that this action be dismissed pursuant to  
13 Federal Rule of Civil Procedure 41(b).

14 These findings and recommendations are submitted to the United States District Judge  
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
16 after being served with these findings and recommendations, any party may file written  
17 objections with the court and serve a copy on all parties. Such a document should be captioned  
18 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the  
19 objections shall be filed and served within fourteen days after service of the objections. The  
20 parties are advised that failure to file objections within the specified time may waive the right to  
21 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

22  
23 IT IS SO ORDERED.

24 Dated: May 17, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE