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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN CARLOS ALVAREZ,
Plaintiff,
v.
ALEX CHAVARRIA,
Defendant.

Case No. 1:16-cv-00067-MJS
ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY MOTION TO
DISMISS SHOULD NOT BE GRANTED
(ECF No. 20)
THIRTY DAY DEADLINE

Plaintiff is a prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction. (ECF No. 16.)

On March 27, 2017, the Court authorized service of the complaint on Defendant Alex Chavarria. (ECF No. 13.) Defendant Chavarria waived service (ECF No. 19) and on September 12, 2017, filed a motion to dismiss the complaint for failure to state a claim. (ECF Nos. 20-22.) Plaintiff has not filed a response to the motion to dismiss or anything else since April 17, 2017 when he submitted service documents for Defendant Chavarria. (ECF No. 17.)

1 Under the Local Rules of Practice for the United States District Court for the
2 Eastern District of California, opposition, if any, to the granting of a motion “shall be in
3 writing and shall be filed and served not less than fourteen (14) days preceding the
4 noticed (or continued) hearing date.” Local Rule 230(c). Failure of a party to comply with
5 the Local Rules or any order of the court “may be grounds for imposition by the Court of
6 any and all sanctions authorized by statute or Rule or within the inherent power of the
7 Court.” Local Rule 110. Any individual representing himself or herself without an attorney
8 is nonetheless bound by the Federal Rules of Civil Procedure, the Local Rules, and all
9 applicable law. Local Rule 183(a). A party's failure to comply with applicable rules and
10 law may be grounds for dismissal or any other sanction appropriate under the Local
11 Rules. Id.

12 Here, Plaintiff has failed to comply with Local Rule 230. In light of Plaintiff’s pro se
13 status and in the interests of justice, the court will provide Plaintiff with an opportunity to
14 show good cause for his conduct along with an opportunity to respond to Defendant’s
15 pending motion to dismiss.

16 IT IS HEREBY ORDERED that:

17 1. Plaintiff shall show good cause in writing, no later than **thirty (30) days**
18 from the date of service of this Order, for failing to respond to Defendant’s motion and
19 shall show why sanctions should not be imposed on him for failing to file timely
20 opposition or non-opposition to the pending motion to dismiss.

21 2. Any response to this order must be filed with the Court; the response must
22 be accompanied by opposition or a statement of non-opposition to Defendant’s motion to
23 dismiss.

24 3. If plaintiff files opposition to defendant’s motion within **thirty (30) days** of
25 the date of service of this Order, then Defendant’s reply, if any, shall be filed within
26 **seven (7) days** of the date of service of the opposition; and

27 4. Plaintiff is cautioned that failure to file and serve a written response to this
28 Order, along with opposition or a statement of non-opposition to defendant’s motion, will

1 be deemed a statement of non-opposition to the granting of defendant's motion to
2 dismiss.

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4 IT IS SO ORDERED.

5 Dated: October 18, 2017

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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