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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN KENT,

Plaintiff,

No. CIV S-07-2361 MCE EFB PS

vs.

CITY OF SACRAMENTO,
et al.,

ORDER

Defendants.

Plaintiff is proceeding *pro se* in this action, which was referred to the undersigned pursuant to E. D. Cal. L. R. (“Local Rule”) 72-302(c)(21). Presently pending for hearing before this court on July 15, 2009, is a motion to stay these proceedings, on abstention grounds, filed by defendant City of Sacramento and other City defendants. *See* Dckt. Nos. 18-20, 26.

Local Rule 78-230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be personally served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date,¹ or, in this case, by July 1, 2009. Local Rule 78-230(c) further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by

¹ Electronic or mail service of an opposition upon the moving party must be made seventeen days preceding the scheduled hearing date. Local Rule 78-230(c).

1 that party.” Court records reflect that, to date, plaintiff has filed neither an opposition nor
2 statement of non-opposition to the pending motion.

3 Local Rule 83-183, governing persons appearing *in propria persona*, provides that failure
4 to comply with the Federal Rules and Local Rules may be ground for dismissal, judgment by
5 default, or other appropriate sanction. “Failure to follow a district court’s local rules is a proper
6 ground for dismissal.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). *Pro se* litigants are
7 bound by the rules of procedure, even though pleadings are liberally construed in their favor.
8 *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Finally, Local Rule 11-110 provides that
9 failure to comply with the Local Rules “may be grounds for imposition by the Court of any and
10 all sanctions authorized by statute or Rule or within the inherent power of the Court.”

11 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

12 1. The hearing date of July 15, 2009, is vacated, and continued to August 5, 2009, at
13 10:00 a.m., in Courtroom No. 25.

14 2. Plaintiff shall show cause, in writing, no later than July 22, 2009, why sanctions
15 should not be imposed for failure timely to file an opposition or a statement of non-opposition to
16 the pending motion.

17 3. Plaintiff is directed to file an opposition, if any, to the motions, or a statement of non-
18 opposition thereto, no later than July 22, 2009. Failure to file an opposition will be deemed a
19 statement of non-opposition, and shall result in a recommendation that this action be stayed
20 pending final resolution of plaintiff’s state court proceedings or, good cause appearing, that this
21 action be dismissed.

22 SO ORDERED.

23 DATED: July 7, 2009.

24 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE