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

TELICIA BENSON,

Plaintiff,

No. 2:08-cv-0886 JFM PS

vs.

CALIFORNIA CORRECTIONAL
PEACE OFFICERS ASSOCIATION,

Defendant.

ORDER

_____ /

On December 21, 2009, defendant filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56. No opposition to the motion for summary judgment has been filed.

Local Rule 230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 230(i) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, 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.”

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The hearing date of January 21, 2010 is vacated. Hearing on defendant's
3 motion for summary judgment is continued to February 25, 2010 at 11:00 a.m. in courtroom no.
4 26.

5 2. Plaintiff shall file opposition, if any, to the motion for summary judgment, no
6 later than February 11, 2010. Failure to file opposition and appear at the hearing will be deemed
7 as a statement of non-opposition and shall result in a recommendation that this action be
8 dismissed pursuant to Federal Rule of Civil Procedure 41(b).

9 DATED: January 20, 2010.

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12 UNITED STATES MAGISTRATE JUDGE

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