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

SQUARE D. COMPANY,

Plaintiff,

No. CIV S-08-1312 JAM EFB PS

vs.

CHAWN PHILLIP ANDERSON,
HEATHER MARIE APODACA,
formerly d/b/a AA & M ELECTRIC,
and AA & M ELECTRIC, INC.,

ORDER TO SHOW CAUSE

Defendants.

On October 16, 2009, plaintiff filed a motion to compel defendants Chawn Anderson and Heather Apodaca to appear to have their depositions taken, and noticed the motion for hearing on November 4, 2009. Dckt. No. 62. Plaintiff moved to compel pursuant to Eastern District of California Local Rule (“Local Rule”) 37-251(e), stating that “[d]efendants have completely and totally failed to respond to Square D’s notices of deposition.” *Id.*

Court records reflect that defendants have not filed a response to plaintiff’s motion to compel. Local Rule 37-251(e) provides that a party responding to a Local Rule 37-251(e) discovery motion “shall file a response thereto not later than five (5) court days prior to the hearing date [in this instance, by October 28, 2009], accompanied by proof of personal service not less than five (5) court days preceding the hearing date or by proof of mailed or electronic service not less than eight (8) court days preceding the hearing date.”

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

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

11 1. The hearing date of November 4, 2009 on plaintiff’s motion to compel is continued to
12 December 2, 2009, at 10:00 a.m., in Courtroom No. 25.

13 2. Defendants shall show cause, in writing, no later than November 12, 2009, why
14 sanctions should not be imposed for failure to timely file a response to plaintiff’s motion.

15 3. Defendants shall file an opposition to the motion, or a statement of non-opposition
16 thereto, no later than November 12, 2009.

17 4. Failure of defendants to file an opposition will be deemed a statement of non-
18 opposition to the pending motion, and may result in the granting of plaintiff’s motion and/or the
19 imposition of sanctions, as requested by plaintiff.

20 5. Plaintiff may file a reply in support of the motion on or before November 18, 2009.

21 SO ORDERED.

22 DATED: October 30, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE