

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

LARRY DOMINO,

Plaintiff,

No. CIV S-08-2574 GEB KJM PS

VS.

WACHOVIA MORTGAGE BANK, et al.,

Defendants.

ORDER

This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).

17 Calendared for hearing on January 14, 2009 is defendant's motion to dismiss. No opposition to
18 the motion has been filed.

19 Local Rule 78-230(c) provides that opposition to the granting of a motion must be
20 filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o
21 party will be entitled to be heard in opposition to a motion at oral arguments if written opposition
22 to the motion has not been timely filed by that party.” In addition, Local Rule 78-230(j)
23 provides that failure to appear may be deemed withdrawal of opposition to the motion or may
24 result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local
25 Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or
26 within the inherent power of the Court.”

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The hearing date of January 14, 2009 is vacated. Hearing on defendant's
3 motion is continued to February 11, 2009 at 10:00 a.m. in courtroom no. 26.

4 2. Plaintiff shall file opposition, if any, to the motion no later than January 28,
5 2009. Failure to file opposition and appear at the hearing will be deemed as a statement of non-
6 opposition and shall result in a recommendation that this action be dismissed pursuant to Federal
7 Rule of Civil Procedure 41(b).

8 DATED: January 8, 2009.

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10 006
domino.nop


U.S. MAGISTRATE JUDGE