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

DELANO LAMONT PINCKNEY,

Plaintiff,

No. CIV S-08-3076 GEB EFB PS

vs.

YUBA COMMUNITY COLLEGE,

Defendant.

ORDER

_____/

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), and 28 U.S.C. § 636(b)(1). On December 29, 2008, defendant filed a Motion to Quash or Dismiss for Insufficient Process and Service, and noticed the matter for hearing before this court on February 11, 2009.

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 January 25, 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.” To date, plaintiff has filed neither an opposition or statement of non-opposition to
2 defendant’s motion.

3 *Pro se* litigants are bound by the rules of procedure, even though pleadings are liberally
4 construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987). Local Rule 83-183,
5 governing persons appearing *in propria persona*, provides that failure to comply with the Federal
6 or Local Rules may be ground for dismissal, judgment by default, or other appropriate sanction.
7 *Accord, Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s
8 local rules is a proper ground for dismissal”). *See also*, Local Rule 11-110 (failure to comply
9 with Local Rules “may be grounds for imposition by the Court of any and all sanctions
10 authorized by statute or Rule or within the inherent power of the Court”); and Fed. R. Civ. P.
11 41(b) (authorizing dismissal “[i]f the plaintiff fails to prosecute or to comply with these rules or a
12 court order . . .”).

13 Accordingly, good cause appearing, it is hereby ORDERED that:

14 1. The hearing scheduled for February 11, 2009, is CONTINUED to March 4, 2009, at
15 10:00 a.m., in Courtroom No. 25.

16 2. Plaintiff shall show cause, in writing, no later than February 18, 2009, why sanctions
17 should not be imposed for failure timely to file an opposition or a statement of non-opposition to
18 the pending motion.

19 3. Plaintiff shall also file an opposition or statement of non-opposition to the motions no
20 later than February 18, 2009.

21 4. Failure to comply with this order shall be construed as abandonment of this case, and
22 shall result in a recommendation that this action be dismissed.

23 IT IS SO ORDERED.

24 DATED: February 4, 2009.

25 
26 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE