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

HAROLD TAYLOR,

Plaintiff,

CIV. NO. S-09-24 JAM CKD PS

vs.

STATE OF CALIFORNIA DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

ORDER AND

ORDER TO SHOW CAUSE

Plaintiff is proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21). Defendants’ motions for summary judgment are presently noticed for hearing on the September 14, 2011 law and motion calendar of the undersigned. Opposition to motions, or a statement of non-opposition thereto, must be filed fourteen days preceding the noticed hearing date. E.D. Cal. L. R. 230(c). Court records reflect that plaintiff failed to timely file opposition or a statement of non-opposition to the motion.

Failure to comply with the Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. L. R. 11-110; see Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Additionally, “[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.” E.D. Cal. L. R. 230(c). Pro se litigants are bound by the rules of procedure, even though pleadings are liberally construed in their favor. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362,

1 1364-65 (9th Cir.1986). The Local Rules specifically provide that cases of persons appearing in  
2 propria persona who fail to comply with the Federal and Local Rules are subject to dismissal,  
3 judgment by default, and other appropriate sanctions. E.D. Cal. L. R. 183.

4 Good cause appearing, IT IS HEREBY ORDERED that:

5 1. The hearing date of September 14, 2011 is vacated. Hearing on defendants'  
6 motions is continued to October 19, 2011 at 10:00 a.m. in courtroom no. 26.

7 2. Plaintiff shall show cause, in writing, no later than September 28, 2011 why  
8 sanctions should not be imposed for failure timely to file opposition or a statement of non-  
9 opposition to the pending motions.

10 3. Plaintiff is directed to file opposition, if any, to the motions, or a statement of  
11 non-opposition thereto, no later than September 28, 2011. Failure to file opposition and appear  
12 at hearing, or to file a statement of non-opposition, will be deemed a statement of non-  
13 opposition, and shall result in a recommendation that this action be dismissed.

14 4. Reply, if any, shall be filed no later than October 5, 2011.

15 Dated: September 5, 2011

16   
17 CAROLYN K. DELANEY  
18 UNITED STATES MAGISTRATE JUDGE

19 <sup>4</sup>  
20 taylor.nop.con