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

ING BANK, fsb,

No. CIV S-09-1174 WBS EFB PS

Plaintiff,

vs.

RAMON P. FAZAH,

ORDER

Defendant.

This case, in which plaintiff is proceeding *pro se*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On April 6, 2010, plaintiff filed a motion to amend the amended complaint in this action, and noticed the motion for hearing on May 5, 2010. Dckt. No. 37.

Court records reflect that defendant has filed neither an opposition nor a statement of non-opposition to plaintiff’s motion. Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date or, in this instance, by April 21, 2010. Local Rule 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 that party.”

1 Local Rule 183, governing persons appearing *in pro se*, provides that failure to comply
2 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 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.” *See also*
6 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules
7 is a proper ground for dismissal.”). *Pro se* litigants are bound by the rules of procedure, even
8 though pleadings are liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th
9 Cir. 1987).

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

11 1. The hearing on plaintiff’s motion to amend is continued to June 2, 2010 at 10:00 a.m.
12 in Courtroom No. 24.

13 2. Defendant shall show cause, in writing, no later than May 19, 2010, why sanctions
14 should not be imposed for failure to timely file an opposition or a statement of non-opposition to
15 the pending motion.

16 3. Defendant shall file an opposition to the motion, or a statement of non-opposition
17 thereto, no later than May 19, 2010.

18 4. Failure of defendant to file an opposition will be deemed a statement of non-
19 opposition to the pending motion, and may result in the granting of the motion.

20 5. Plaintiff may file a reply to defendant’s opposition, if any, on or before May 26, 2010.

21 SO ORDERED.

22 DATED: April 22, 2010.

23 
24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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