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

VICTOR MILITAN, et al.,

Plaintiffs,

No. CIV S-09-2470 MCE KJM PS

vs.

COUNTRYWIDE HOME LOANS, INC.,

Defendants.

ORDER

\_\_\_\_\_ /

This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).  
Calendared for hearing on October 21, 2009 is defendants’ motion to dismiss. No opposition to  
the motion has been filed.

Local Rule 78-230(c) provides that opposition to the granting of a motion must be  
filed fourteen days preceding the noticed hearing date. The Rule further provides that “[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 by that party.” In addition, Local Rule 78-230(j)  
provides that failure to appear may be deemed withdrawal of opposition to the motion or may  
result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local  
Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or  
within the inherent power of the Court.”

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The hearing date of October 21, 2009 is vacated. Hearing on defendants' motion is continued to November 18, 2009 at 10:00 a.m. in courtroom no. 26.

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

DATED: October 8, 2009.

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U.S. MAGISTRATE JUDGE