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

HARJIT BHAMBRA,

Plaintiff,

No. CIV S-09-3124 JAM EFB PS

vs.

COUNTY OF NEVADA, Municipal Corporation and Public Employer; CLIFFORD NEWELL, in his official capacity as District Attorney of County of Nevada; JOHN SPENCER, in his official capacity as Supervisor of County of Nevada for the Third District; YOLANDA NEMETH, in her official capacity as Peace Officer of the State of California; DEPARTMENT OF CALIFORNIA HIGHWAY PATROL, Public employer of Yolanda Nemeth; ROBERT SHULMAN, in his official capacity as County Counsel of County of Nevada; DALE FLIPPIN, in his official capacity as Assessor of County of Nevada; HANK WESTON, in his official capacity as Supervisor of County of Nevada for the Fourth District; KEITH ROYAL, in his official capacity as Sheriff of the County of Nevada; and DOES 1 through 50,

ORDER TO SHOW CAUSE

Defendants.

_____ /
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 January 5,

1 2010, plaintiff filed a motion for leave to file a first amended writ of quo warranto, and noticed
2 the motion for hearing on February 10, 2010. Dckt. No. 25. On January 7, 2010, defendant
3 Yolanda Nemeth filed a motion for an order setting aside the Clerk's entry of default against her.
4 Dckt. No. 30. Nemeth also noticed the motion for hearing on February 10, 2010. *Id.*

5 Court records reflect that defendants have not filed an opposition or a statement of
6 non-opposition to plaintiff's motion, and plaintiff did not file an opposition or a statement of
7 non-opposition to Nemeth's motion until this afternoon. Local Rule 230(c) provides that
8 opposition to the granting of a motion, or a statement of non-opposition thereto, must be served
9 upon the moving party, and filed with this court, no later than fourteen days preceding the
10 noticed hearing date or, in this instance, by January 27, 2010. Local Rule 230(c) further
11 provides that "[n]o party will be entitled to be heard in opposition to a motion at oral arguments
12 if opposition to the motion has not been timely filed by that party."

13 Local Rule 110 provides that failure to comply with the Local Rules or a court order
14 "may be grounds for imposition by the Court of any and all sanctions authorized by statute or
15 Rule or within the inherent power of the Court." *See also Ghazali v. Moran*, 46 F.3d 52, 53 (9th
16 Cir. 1995) ("Failure to follow a district court's local rules is a proper ground for dismissal.").
17 Local Rule 183, governing persons appearing *in pro se*, provides that failure to comply with the
18 Federal Rules of Civil Procedure and Local Rules may be ground for dismissal, judgment by
19 default, or other appropriate sanction. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (*Pro se*
20 litigants are bound by the rules of procedure, even though pleadings are liberally construed in
21 their favor.).

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

23 1. The hearing on plaintiff's motion for leave to file a first amended writ of quo warranto
24 and defendant Nemeth's motion for an order setting aside the Clerk's entry of default is
25 continued to March 10, 2010, at 10:00 a.m., in Courtroom No. 24.

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1 2. Defendants shall show cause, in writing, no later than February 24, 2010, why
2 sanctions should not be imposed for failure to file an opposition or a statement of non-opposition
3 to plaintiff's motion.

4 3. Defendants shall file an opposition to plaintiff's motion, or a statement of non-
5 opposition thereto, no later than February 24, 2010. Failure to file an opposition will be deemed
6 a statement of non-opposition to the motion, and may result in a recommendation that the motion
7 be granted.

8 4. Plaintiff may file a reply to defendants' opposition(s), if any, on or before March 3,
9 2010.

10 5. Nemeth may file a reply to plaintiff's opposition on or before March 3, 2010.

11 6. The status (pretrial scheduling) conference currently set for March 17, 2010 is
12 continued to June 16, 2010 at 10:00 a.m. in Courtroom No. 24. On or before June 2, 2010, the
13 parties shall file status reports, as provided in the November 10, 2009 order. Dckt. No. 2.

14 SO ORDERED.

15 DATED: February 2, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE