

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

MAE HELEN GOODWIN,

Plaintiff,

CIV. NO. S-09-3191 MCE GGH PS

VS.

CALIFORNIA RECONVEYANCE COMPANY, et al.,

## Defendants.

## ORDER AND

**ORDER TO SHOW CAUSE**

Plaintiff is proceeding pro se in this action, referred to the undersigned pursuant to -302(c)(21). Defendants' motion to dismiss is presently noticed for hearing on the , law and motion calendar of the undersigned. Opposition to motions, or a on-opposition thereto, must be filed fourteen days preceding the noticed hearing 1. L. R. 78-230(c). Court records reflect that plaintiff failed to file opposition or a on-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. 78-230(c).<sup>1</sup> Pro se

<sup>1</sup> Moreover, failure to appear at hearing may be deemed withdrawal of opposition to a motion or may result in sanctions. E.D. Cal. L. R. 78-230(j).

1 litigants are bound by the rules of procedure, even though pleadings are liberally construed in  
2 their favor. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362,  
3 1364-65 (9th Cir.1986). The Local Rules specifically provide that cases of persons appearing in  
4 propria persona who fail to comply with the Federal and Local Rules are subject to dismissal,  
5 judgment by default, and other appropriate sanctions. E.D. Cal. L. R. 83-183.

6 Good cause appearing, IT IS HEREBY ORDERED that:

7 1. The hearing date of May 27, 2010 is vacated. Hearing on defendants' motion  
8 is continued to June 24, 2010.

9 2. Plaintiff shall show cause, in writing, no later than June 3, 2010 why sanctions  
10 should not be imposed for failure timely to file opposition or a statement of non-opposition to the  
11 pending motion.

12 3. Plaintiff is directed to file opposition, if any, to the motion, or a statement of  
13 non-opposition thereto, no later than June 3, 2010. Failure to file opposition and appear at  
14 hearing, or to file a statement of non-opposition, will be deemed a statement of non-opposition,  
15 and shall result in a recommendation that this action be dismissed.

16 DATED: May 24, 2010

17 /s/ Gregory G. Hollows

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18 GREGORY G. HOLLOWS  
19 U. S. MAGISTRATE JUDGE

GGH:076:Goodwin3191.osc.wpd

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