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

IRENE ANOKHIN,

Plaintiff,

No. CIV S-10-395 MCE EFB PS

vs.

BAC HOME LOANS SERVICING, LLP;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; and
DOES 1 through 100,

ORDER AND
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 February 16, 2010, defendants removed the action to this court from Sacramento County Superior Court on the ground that plaintiff's first amended complaint alleges federal claims, and on February 23, 2010, moved to dismiss plaintiff's first amended complaint. Dckt. Nos. 1, 6. Defendants noticed the motion for hearing on April 21, 2010. Dckt. No. 6.

Court records reflect that plaintiff has filed neither an opposition nor a statement of non-opposition to defendants' 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,

1 in this instance, by April 7, 2010. Local Rule 230(c) further provides that “[n]o party will be
2 entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has
3 not been timely filed by that party.”

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

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

14 1. The hearing on defendants’ motion to dismiss is continued to May 19, 2010 at 10:00
15 a.m. in Courtroom No. 24;

16 2. Plaintiff shall show cause, in writing, no later than May 5, 2010, why sanctions should
17 not be imposed for failure to timely file an opposition or a statement of non-opposition to the
18 pending motion.

19 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition
20 thereto, no later than May 5, 2010.

21 4. Failure of plaintiff to file an opposition will be deemed a statement of non-opposition
22 to the pending motion, and may result in a recommendation that this action be dismissed for lack
23 of prosecution. *See Fed. R. Civ. P. 41(b)*.

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5. Defendants may file a reply to plaintiff's opposition, if any, on or before May 12, 2010.

SO ORDERED.

DATED: April 12, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE