

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

UNITED STATES OF AMERICA,

Plaintiff,

No. CIV S-10-614 FCD KJM PS

vs.

PATRICIA MORRIS,

Defendant.

ORDER

\_\_\_\_\_/

A status conference was held in this matter on October 6, 2010 before the undersigned. Kaycee Sullivan appeared telephonically for plaintiff. Defendant, proceeding pro se, failed to appear. Upon consideration of the status report on file in this action, discussion of counsel and good cause appearing therefor, THE COURT ORDERS AS FOLLOWS:

1. Hearing on plaintiff’s motion for summary judgment is confirmed for November 17, 2010 at 10:00 a.m. in courtroom no. 26.

2. Defendant is advised that Local Rule 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 230(i) provides that failure to appear may be deemed withdrawal of

1 opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure  
2 to comply with the Local Rules “may be grounds for imposition of any and all sanctions  
3 authorized by statute or Rule or within the inherent power of the Court.” Defendant shall file  
4 opposition, if any, to the motion for summary judgment no later than November 3, 2010. Failure  
5 to file opposition and appear at the hearing will be deemed as a statement of non-opposition and  
6 shall result in a recommendation that plaintiff’s motion for summary judgment be granted.

7 3. Defendant failed to file a status report and failed to appear at the status  
8 conference hearing. Defendant is cautioned that failure to appear at hearings or respond to the  
9 court’s orders can result in the answer being stricken and default entered. In addition, several  
10 pleadings have been submitted to the court allegedly on behalf of defendant. Defendant is  
11 proceeding pro se, and as such, must file pleadings in her own name and may not submit  
12 pleadings signed by a non-attorney on her behalf.

13 DATED: October 8, 2010.

14   
15 U.S. MAGISTRATE JUDGE

16 006  
17 usa-morris.oas