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

10 LUIS S. SOUSA,

11 Plaintiff,

No. CIV 2:10-cv-1018-MCE-JFM

12 vs.

13 SAXON MORTGAGE SERVICES,
14 INC.,

15 Defendant.

ORDER

16 _____/
17 This action was referred to the undersigned pursuant to Local Rule 302(c)(21).
18 On April 30, 2010 defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). No
19 opposition to the motion to dismiss has been filed.

20 Local Rule 230(c) provides that opposition to the granting of a motion must be
21 filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o
22 party will be entitled to be heard in opposition to a motion at oral arguments if written opposition
23 to the motion has not been timely filed by that party.” In addition, Local Rule 230(i) provides
24 that failure to appear may be deemed withdrawal of opposition to the motion or may result in
25 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be

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1 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
2 inherent power of the Court.”

3 Good cause appearing, IT IS HEREBY ORDERED that:

4 1. The hearing date of July 15, 2010 is vacated. Hearing on defendants’ motion
5 to dismiss is continued to August 19, 2010.

6 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than
7 August 5, 2010. Failure to file opposition and appear at the hearing will be deemed as a
8 statement of non-opposition and shall result in a recommendation that this action be dismissed
9 pursuant to Federal Rule of Civil Procedure 41(b).

10 DATED: July 14, 2010.

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13 UNITED STATES MAGISTRATE JUDGE

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