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

LUIS S. SOUSA,

Plaintiff,

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

vs.

SAXON MORTGAGE SERVICES,
INC.,

Defendant.

ORDER

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

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 opposition to the motion or may result in
sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be
grounds for imposition of any and all sanctions authorized by statute or Rule or within the
inherent power of the Court.”

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The hearing date of June 10, 2010 is vacated. Hearing on defendant's motion to dismiss is continued to July 15, 2010 at 11:00 a.m. in courtroom no. 26.

2. Plaintiff shall file an opposition, if any, to the motion to dismiss no later than July 1, 2010. Failure to file an opposition and appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

DATED: June 9, 2010.


UNITED STATES MAGISTRATE JUDGE

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