

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 TERRYLYN McCAIN,

11 Plaintiff,

No. CIV S-10-1266 JAM KJM PS

12 vs.

13 BANK OF AMERICA, NA, et al.,

14 Defendants.

ORDER

15 _____/
16 This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).
17 Calendared for hearing on August 25, 2010 are defendants' motions to dismiss. Although
18 opposition to defendant Bank of America's motion was filed was this matter was pending in the
19 District of Columbia, no opposition to the motion to dismiss noticed by defendant Sheriff San
20 Joaquin County has been filed.

21 Local Rule 78-230(c) provides that opposition to the granting of a motion must be
22 filed fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o
23 party will be entitled to be heard in opposition to a motion at oral arguments if written opposition
24 to the motion has not been timely filed by that party." In addition, Local Rule 78-230(i)
25 provides that failure to appear may be deemed withdrawal of opposition to the motion or may
26 result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local

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

3 Good cause appearing, IT IS HEREBY ORDERED that:

4 1. The hearing date of August 25, 2010 is vacated. Hearing on defendants’
5 motions is continued to October 6, 2010 at 10:00 a.m. in courtroom no. 26.

6 2. Plaintiff shall file opposition, if any, to the motions no later than September
7 22, 2010 . Failure to file opposition and appear at the hearing will be deemed as a statement of
8 non-opposition and shall result in a recommendation that this action be dismissed pursuant to
9 Federal Rule of Civil Procedure 41(b).

10 DATED: August 13, 2010.

11 006
12 mccain.nop


U.S. MAGISTRATE JUDGE