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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL THOMAS HARVEY,  
  
Plaintiff,  
  
v.  
  
ANDREW EISSINGER, CHARGLES  
DUKE, SHANNON LANEY, and JAKE  
HERMINGHAUS,  
  
Defendants.

No. 2:10-cv-1653-KJM-EFB PS

ORDER TO SHOW CAUSE

On November 27, 2013, the remaining defendants filed a motion to dismiss plaintiff’s fifth amended complaint for failure to state a claim. ECF No. 97. The hearing was originally noticed for January 8, 2014, but was subsequently continued to April 9, 2014. See ECF Nos. 99, 100, 103. At the April 9 hearing, attorney Thomas Watson appeared on behalf of defendants; plaintiff failed to appear.

Local Rule 230(i) provides that “[a]bsent notice of intent to submit the matter on the briefs, failure to appear [at the hearing] may be deemed withdrawal of the motion or of opposition to the motion, in the discretion of the Court, or may result in the imposition of sanctions.” Failure to comply with the court’s Local Rules or the orders of this court “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. L.R. 110; see also *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995)

1 (“Failure to follow a district court’s local rules is a proper ground for dismissal.”). Therefore,  
2 plaintiff is ordered to show cause why sanctions should not be imposed for his failure to appear at  
3 the April 9, 2014 hearing on defendants’ motion to dismiss.

4 Accordingly, it is hereby ORDERED that:

- 5 1. Plaintiff shall show cause, in writing, on or before April 23, 2014, why sanctions  
6 should not be imposed for his failure to appear at the April 9, 2014 hearing.
- 7 2. Failure to comply with this order may result in a recommendation that this action be  
8 dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

9 DATED: April 9, 2014.

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11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE  
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