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

JOHN HENRY HART,

Plaintiff,

No. CIV S-10-1672 KJM EFB PS

vs.

PAE GOVERNMENT SERVICES
INCORPORATED,

Defendant.

ORDER TO SHOW CAUSE

_____ /
This case, in which plaintiff is proceeding pro se, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). On May 6, 2011, defendant filed a motion to compel plaintiff to respond to defendant’s requests for production of documents, Dckt. No. 25, and a motion to compel plaintiff’s deposition, Dckt. No. 26. Defendant noticed the motions to be heard on May 25, 2011 pursuant to Local Rule 251(e).

Court records reflect that plaintiff has not filed a response to defendant’s motions. Local Rule 251(e) provides that “when there has been a complete and total failure to respond to a discovery request or order, . . . the aggrieved party may bring a motion for relief for hearing on fourteen (14) days notice. The responding party shall file a response thereto not later than seven (7) days before the hearing date.” In this instance, plaintiff’s response to defendant’s motions was due on May 18, 2011.

1 Local Rule 183, governing persons appearing in pro se, provides that failure to comply
2 with the Federal Rules of Civil Procedure and Local Rules may be ground for dismissal,
3 judgment by default, or other appropriate sanction. Local Rule 110 provides that failure to
4 comply with the Local Rules “may be grounds for imposition by the Court of any and all
5 sanctions authorized by statute or Rule or within the inherent power of the Court.” *See also*
6 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules
7 is a proper ground for dismissal.”). Pro se litigants are bound by the rules of procedure, even
8 though pleadings are liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th
9 Cir. 1987).

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The hearing on defendant’s motions to compel, Dckt. Nos. 25 and 26, is continued to
12 June 22, 2011 at 10:00 a.m. in Courtroom No. 24.

13 2. Plaintiff shall show cause, in writing, no later than June 8, 2011, why sanctions should
14 not be imposed for failure to timely file a response to the pending motions.

15 3. Plaintiff shall file a response to the motions no later than June 8, 2011.

16 4. Failure of plaintiff to file a response to the motions will be deemed a statement of
17 non-opposition to those motions, and may result in the granting of the motions, the imposition of
18 monetary sanctions, and/or a recommendation that this action be dismissed for lack of
19 prosecution and for failure to comply with court orders and this court’s Local Rules. *See Fed. R.*
20 *Civ. P. 41(b)*.

21 5. Defendant may file a reply to plaintiff’s response, if any, on or before June 15, 2011.

22 6. The June 20, 2011 expert disclosure deadline set forth in this court’s status (pretrial
23 scheduling) order, Dckt. No. 17, is continued to August 5, 2011.

24 SO ORDERED.

25 DATED: May 20, 2011.

26 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE