

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

CELSO COSTELO,

Plaintiff,

No. CIV 2:10-cv-2049-KJM-JFM (PS)

vs.

PRO30 FUNDING, *et al.*,

Defendants.

ORDER

_____ /

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On January 24, 2011, defendant Mortgage Electronic Registration Systems, Inc., filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). On January 27, 2011, defendant Placer Title Company also filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). Both hearings are scheduled to be heard on March 17, 2011. No opposition to either 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

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

4 Good cause appearing, IT IS HEREBY ORDERED that:

5 1. The hearing date of March 17, 2011 on both defendants’ motions to dismiss is
6 vacated. Hearing on both motions to dismiss is continued to April 28, 2011 at 11:00 a.m. in
7 courtroom no. 26.

8 2. Plaintiff shall file opposition, if any, to the motions to dismiss, no later than
9 April 14, 2011. Failure to file opposition and appear at the hearing will be deemed as a
10 statement of non-opposition and shall result in a recommendation that this action be dismissed
11 pursuant to Federal Rule of Civil Procedure 41(b).

12 DATED: March 15, 2011.

13
14 
15 UNITED STATES MAGISTRATE JUDGE

16 /014;cost2049.nooppo
17
18
19
20
21
22
23
24
25
26