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

GERTRUDE V. VIZMANOS,

Plaintiff,

No. CIV S-10-2445 FCD EFB PS

vs.

BANK OF AMERICA; RECONTRUST  
COMPANY; US BANK NATIONAL  
ASSOCIATION; HARBORVIEW 2006-1  
TRUST; AMIR ENTERPRISES LLC;  
MELVIN STRONG; JUDY SCHILLING;  
HADI R. SAYID-ALI; ED TURNER; and  
DOES 1-100,

Defendants.

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).<sup>1</sup> See 28 U.S.C. § 636(b)(1). Defendants Bank of America, N.A., ReconTrust Company, N.A., and U.S. Bank National Association, as Trustee for Harborview 2006-1 Trust Fund, move to dismiss the complaint and have noticed the motion to be heard on February 9, 2011. Dckt. Nos. 5, 18.

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<sup>1</sup> Former plaintiff Teresa Moore was dismissed from this action on February 7, 2011. Dckt. Nos. 15, 16, 20.

1 Court records reflect that plaintiff has filed neither an opposition nor a statement of  
2 non-opposition to defendants' motion. Local Rule 230(c) provides that opposition to the  
3 granting of a motion, or a statement of non-opposition thereto, must be served upon the moving  
4 party, and filed with this court, no later than fourteen days preceding the noticed hearing date or,  
5 in this instance, by January 26, 2011. Local Rule 230(c) further provides that "[n]o party will be  
6 entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has  
7 not been timely filed by that party."

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

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. The hearing on defendants' motion to dismiss, Dckt. Nos. 5 and 18, is continued to  
19 March 9, 2011.

20 2. Plaintiff shall show cause, in writing, no later than February 23, 2011, why sanctions  
21 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
22 the pending motion.

23 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition  
24 thereto, no later than February 23, 2011.


25 4. Failure of plaintiff to file an opposition will be deemed a statement of non-opposition  
26 to the pending motion, and may result in a recommendation that this action be dismissed for lack

1 of prosecution and/or for failure to comply with court orders and this court's Local Rules. *See*  
2 Fed. R. Civ. P. 41(b).

3 5. Defendants may file a reply to plaintiff's opposition, if any, on or before March 2,  
4 2011.

5 SO ORDERED.

6 Dated: February 7, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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