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

IQTADAR AHMED,

Plaintiff,

No. CIV S-10-3069 GEB EFB PS

vs.

SAN JOAQUIN REGIONAL  
RAIL COMMISSION,

Defendant.

ORDER AND  
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 August 25, 2011, defendant moved to dismiss plaintiff’s first amended complaint, and noticed the motion to be heard on September 28, 2011. Dckt. No. 27.

Court records reflect that plaintiff has filed neither an opposition nor a statement of non-opposition to defendant’s motion. Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date or, in this instance, by September 14, 2011. Local Rule 230(c) further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party.”

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, good cause appearing, IT IS HEREBY ORDERED that:

11 1. The hearing on defendant’s motion to dismiss, Dckt. No. 27, is continued to  
12 November 2, 2011.

13 2. Plaintiff shall show cause, in writing, no later than October 19, 2011, why sanctions  
14 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
15 the pending motion.

16 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition  
17 thereto, no later than October 19, 2011.

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

22 5. Defendant may file a reply to plaintiff’s opposition, if any, on or before October 26,  
23 2011.

24 SO ORDERED.

25 Dated: September 19, 2011.

26   
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE