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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 December 6, 2011, defendant moved to dismiss plaintiff’s second amended complaint, and noticed the motion to be heard on January 11, 2012. Dckt. No. 34.

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 December 28, 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. 34, is continued to February
12 22, 2012.

13 2. Plaintiff shall show cause, in writing, no later than February 8, 2012 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 February 8, 2012.

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 February 15,
23 2012.

24 SO ORDERED.

25 Dated: January 4, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE