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

AUBREY CRAWFORD,

Plaintiff,

No. CIV 2:11-cv-1198-GEB-JFM (PS)

vs.

AMERICAN SERVICING CORP., *et al.*,

Defendants.

ORDER

_____ /

This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21). On May 25, 2011, defendants Mortgage Electronic Registration System and Wells Fargo Bank filed a motion to dismiss. On June 10, 2011, defendant U.S. Bank N. A. filed a motion to dismiss.¹ No opposition to either motion to dismiss has been filed.

Local Rule 78-230(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

¹ Defendant First American Trustee Servicing Solutions (“First American”) filed a motion to dismiss on May 11, 2011, which was scheduled to be heard before Magistrate Judge Gregory G. Hollows. On June 10, 2011, this case was transferred to the undersigned pursuant to a related case order. In that order, all hearings set before Judge Hollows were vacated and defendants were ordered to contact the undersigned’s chambers to reschedule their respective motions to dismiss. It appears First American has not done so. Accordingly, First American will be directed to schedule the matter before the undersigned.

1 party will be entitled to be heard in opposition to a motion at oral arguments if written opposition
2 to the motion has not been timely filed by that party.” In addition, Local Rule 78-230(j)
3 provides that failure to appear may be deemed withdrawal of opposition to the motion or may
4 result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local
5 Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or
6 within the inherent power of the Court.”

7 Good cause appearing, IT IS HEREBY ORDERED that:

8 1. The hearing date of July 14, 2011 is vacated. Hearing on defendants’ motions
9 to dismiss is continued to September 8, 2011 at 11:00 a.m. in courtroom no. 26.

10 2. Plaintiff shall file opposition, if any he has, to the motions to dismiss, no later
11 than August 25, 2011. Failure to file opposition and appear at the hearing will be deemed as a
12 statement of non-opposition and shall result in a recommendation that this action be dismissed
13 pursuant to Federal Rule of Civil Procedure 41(b).

14 3. Defendant First American shall reschedule their May 11, 2011 motion to
15 dismiss before the undersigned within seven days of the date of this order.

16 4. The initial scheduling conference currently set for August 25, 2011 is hereby
17 continued to December 8, 2011.

18 DATED: July 5, 2011.

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21 UNITED STATES MAGISTRATE JUDGE

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