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

RUSSELL DODD,

Plaintiff,

No. CIV S-11-1603 JAM EFB PS

vs.

FEDERAL HOME LOAN MORTGAGE
CORPORATION;

Defendant.

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 5, 2011, defendant filed a motion to dismiss plaintiff’s complaint, and noticed the motion to be heard on September 14, 2011. Dckt. No. 6.

Court records reflect that plaintiff has not filed either an opposition or a statement of non-opposition to the 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 August 31, 2011. E.D. Cal. L.R. 230(c). Local Rule 230(c) further provides that

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1 “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition
2 to the motion has not been timely filed by that party.”

3 Local Rule 183, governing persons appearing in pro se, provides that failure to comply
4 with the Federal Rules of Civil Procedure and Local Rules may be ground for dismissal,
5 judgment by default, or other appropriate sanction. E.D. Cal. L.R. 183. Local Rule 110 provides
6 that failure to comply with the Local Rules “may be grounds for imposition by the Court of any
7 and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D.
8 Cal. L.R. 110; *see also Hells Canyon Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683,
9 689 (9th Cir. 2005) (stating that courts may dismiss an action pursuant to Federal Rule of Civil
10 Procedure 41(b) *sua sponte* for a plaintiff’s failure to prosecute or comply with the rules of civil
11 procedure or the court’s orders); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to
12 follow a district court’s local rules is a proper ground for dismissal.”); *Ferdik v. Bonzelet*, 963
13 F.2d 1258, 1260 (9th Cir. 1992) (“Pursuant to Federal Rule of Civil Procedure 41(b), the district
14 court may dismiss an action for failure to comply with any order of the court.”). Pro se litigants
15 are bound by the rules of procedure, even though pleadings are liberally construed in their favor.
16 *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. The hearing on defendant’s motion to dismiss, Dckt. No. 6, is continued to October
19 26, 2011.

20 2. Plaintiff shall show cause, in writing, no later than October 12, 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 October 12, 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. Defendant may file a reply to plaintiff's opposition, if any, on or before October 19,
4 2011.

5 6. The status conference currently scheduled for October 19, 2011, is rescheduled for
6 December 28, 2011 at 10:00 a.m. in Courtroom No. 24.

7 7. On or before December 14, 2011, the parties shall file status reports addressing the
8 matters referenced in the court's June 14, 2011 order.

9 SO ORDERED.

10 Dated: September 6, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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