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

DMITRIY STOLYARCHUK,

Plaintiff,

CIV. NO. S-11-1670 MCE CKD PS

vs.

AMTRUST BANK, et al.,

Defendants.

ORDER AND

ORDER TO SHOW CAUSE

Plaintiff is proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21). Defendants’ motion to dismiss is presently noticed for hearing on the September 21, 2011 law and motion calendar of the undersigned. Opposition to motion, or a statement of non-opposition thereto, must be filed fourteen days preceding the noticed hearing date. E.D. Cal. L. R. 230(c). Court records reflect that plaintiff failed to timely file opposition or a statement of non-opposition to the motion.

Failure to comply with the Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. L. R. 11-110; see Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Additionally, “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed.” E.D. Cal. L. R. 230(c). Pro se litigants are bound by the rules of procedure, even though pleadings are liberally construed in their favor. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362,

1 1364-65 (9th Cir.1986). The Local Rules specifically provide that cases of persons appearing in
2 propria persona who fail to comply with the Federal and Local Rules are subject to dismissal,
3 judgment by default, and other appropriate sanctions. E.D. Cal. L. R. 183.

4 Good cause appearing, IT IS HEREBY ORDERED that:

5 1. The hearing date of September 21, 2011 is vacated. Hearing on defendants'
6 motion is continued to November 2, 2011 at 10:00 a.m. in courtroom no. 26.

7 2. Plaintiff shall show cause, in writing, no later than October 12, 2011 why
8 sanctions should not be imposed for failure timely to file opposition or a statement of non-
9 opposition to the pending motion.

10 3. Plaintiff is directed to file opposition, if any, to the motion, or a statement of
11 non-opposition thereto, no later than October 12, 2011. Failure to file opposition and appear at
12 hearing, or to file a statement of non-opposition, will be deemed a statement of non-opposition,
13 and shall result in a recommendation that this action be dismissed.

14 4. Reply, if any, shall be filed no later than October 19, 2011.

15 Dated: September 8, 2011

16 
17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

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20 stolyarchuk.nop.com