1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 WILLIAM BELL III, No. 2:11-cv-1864 MCE AC PS 12 Plaintiff. 13 **ORDER** v. 14 UNIVERSITY OF CALIFORNIA DAVIS MEDICAL CENTER, ET AL., 15 Defendants. 16 17 This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On June 18 26, 2013, defendants filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 19 12(b)(6) and a motion to strike pursuant to Federal Rule of Civil Procedure 12(f). These matters 20 are set for hearing on August 21, 2013. To date, no opposition to either motion has been filed. 21 Local Rule 230(c) provides that opposition to the granting of a motion must be filed 22 fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o party will 23 be entitled to be heard in opposition to a motion at oral arguments if written opposition to the 24 motion has not been timely filed by that party." In addition, Local Rule 230(j) provides that 25 failure to appear may be deemed withdrawal of opposition to the motion or may result in 26 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules "may be 27 grounds for imposition of any and all sanctions authorized by statute or Rule or within the 28 1

inherent power of the Court." Good cause appearing, IT IS HEREBY ORDERED that: 1. The hearing date of August 21, 2013 is vacated. Hearing on defendants' motion to dismiss and motion to strike is continued to September 25, 2013 at 10:00 a.m. in Courtroom No. 26. 2. Plaintiff shall file opposition, if any, to the motion to dismiss and motion to strike, no later than September 11, 2013. Failure to file opposition and appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). DATED: August 13, 2013 auson Clane UNITED STATES MAGISTRATE JUDGE /mb;bell1864.nooppo