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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEAN NEWFARMER-FLETCHER,)	Case No. 2:11-CV-02054 JAM-CKD
)	
Plaintiff,)	
)	
v.)	
)	ORDER GRANTING DEFENDANTS'
COUNTY OF SIERRA, a California)	MOTION TO DISMISS
Municipality, SIERRA COUNTY)	
DEPT. OF HUMAN SERVICES/SOCIAL)	
SERVICES DEPARTMENT, a)	
government agency organized and)	
existing pursuant to the law and)	
policy of the COUNTY OF SIERRA,)	
CAROL ROBERTS, Director of the)	
DEPT. OF HUMAN SERVICES, JAMES)	
MARKS, LARRY ALLEN, VAN MADDOX,)	
JODI BENSON, CAROL IMAN, and)	
DOES 1-50,)	
)	
Defendants.)	

This matter comes before the Court on Defendants County of Sierra, Sierra County Department of Human Services/Social Services Department, Carol Roberts, James Marks, Larry Allen, Van Maddox, and Jodi Benson's ("Defendants") Motion to Dismiss (Doc. #6). Defendants ask the Court to dismiss the Complaint (Doc. #1) filed by Plaintiff Jean Newfarmer-Fletcher. Plaintiff does not oppose the motion.¹ Local Rule 230(c) requires a party responding to a

¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g). The hearing was scheduled for November 16, 2011.

1 motion to file either an opposition to the motion or a statement of
2 non-opposition, no less than fourteen (14) days preceding the
3 noticed hearing date. Local Rule 110 authorizes the Court to
4 impose sanctions for "failure of counsel or of a party to comply
5 with these Rules." Therefore, the Court will sanction Plaintiff's
6 counsel, David John Collins, \$150.00 unless he shows good cause for
7 his failure to comply with the Local Rules.

8 Plaintiff did, however, file a First Amended Complaint
9 ("FAC") (Doc. #12), but contrary to Federal Rule of Civil Procedure
10 15(a)(2), she did not amend her pleading with Defendants' written
11 consent or obtain leave of Court. The Court ordered that the
12 Defendants' stipulate to the FAC or it would strike it from the
13 docket (Doc. #13). For reasons unknown to the Court, Defendants
14 did not consent to the FAC.

15
16 I. ORDER

17 After carefully considering the papers submitted in this
18 matter, it is hereby ordered that Defendants' Motion to Dismiss is
19 GRANTED, WITH LEAVE TO AMEND. Plaintiff must file an amended
20 complaint within 20 days of this Order. It is further ordered that
21 within ten (10) days of this Order David John Collins shall either
22 (1) pay sanctions of \$150.00 to the Clerk of the Court, or
23 (2) submit a statement of good cause explaining his failure to
24 comply with Local Rule 230(c).

25 IT IS SO ORDERED.

26 Dated: November 21, 2011


27 JOHN A. MENDEZ,
28 UNITED STATES DISTRICT JUDGE