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

C.D. ALSTON,

Plaintiff,

CIV. NO. S-11-2078 JAM GGH PS

vs.

PAUL TASSONE et al.,

Defendants.

ORDER

Plaintiff is proceeding pro se and in forma pauperis in this action, which was referred to the undersigned by E.D. Cal. L.R. 302(c)(21), pursuant to 28 U.S.C. § 636(b)(1). Defendants’ motion to dismiss and motion to strike are presently calendared for hearing on March 15, 2012. (Dkt. No. 21.) Pursuant to E.D. Cal. L.R. 230(c), plaintiff was required to file an opposition or a statement of non-opposition to the motions not less than fourteen (14) days preceding the hearing date, i.e. by March 1, 2012. Plaintiff failed to file an opposition to these motions.

Although the court liberally construes the pleadings of pro se litigants, they are required to adhere to the rules of court. Failure to obey local rules may not only result in dismissal of the action, but “no party will be entitled to be heard in opposition to a motion at oral arguments if opposition has not been timely filed by that party.” E. D. Cal. L.R. 230(c). More

1 broadly, failure to comply with the Local Rules “may be grounds for imposition . . . of any and  
2 all sanctions authorized by statute or Rule or within the inherent power of the Court.” E. D. Cal.  
3 L.R. 110; see also E. D. Cal. L.R. 183 (requiring compliance with the Local and Federal Rules by  
4 pro se litigants).

5                 Having reviewed the record, the court has determined that oral argument would  
6 not be of material assistance in determining the pending motions. Therefore, the court will not  
7 entertain oral argument, and will determine the motions on the record, including the briefing in  
8 support of the pending motions. See E.D. Cal. L.R. 230(g).

9                 Accordingly, IT IS HEREBY ORDERED that:

10                1. The March 15, 2012 hearing on defendants’ motion to dismiss and motion to  
11 strike (dkt. no. 21) is vacated; and

12                2. The motions are submitted on the record with a written order and/or findings  
13 and recommendations to follow.

14 DATED: March 5, 2012

15    /s/ Gregory G. Hollows  
16    UNITED STATES MAGISTRATE JUDGE

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