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

EVE SANTOS & BRENDA
DISUASIDO,

Plaintiffs,

CIV. NO. S-11-2086 LKK CKD PS

vs.

DEUTSCHE BANK NATIONAL
TRUST COMPANY

ORDER AND ORDER TO SHOW CAUSE

Defendant.

Plaintiffs are proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21). Defendant’s motion to dismiss is presently noticed for hearing on the October 5, 2011 law and motion calendar of the undersigned. Opposition to motions, 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 plaintiffs failed to timely file an 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. 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.

1 King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362, 1364-65
2 (9th Cir. 1986). The Local Rules specifically provide that cases of persons appearing in propria
3 persona who fail to comply with the Federal and Local Rules are subject to dismissal, judgment
4 by default, and other appropriate sanctions. E.D. Cal. L.R. 183.

5 Good cause appearing, IT IS HEREBY ORDERED that:

6 1. The hearing date of October 5, 2011 is vacated. Hearing on defendant's
7 motion is continued to November 9, 2011 at 10:00 a.m. in courtroom no. 26.

8 2. Plaintiffs shall show cause, in writing, no later than October 19, 2011 why
9 sanctions should not be imposed for failure to file an opposition or a statement of non-opposition
10 to the pending motion timely.

11 3. Plaintiffs are directed to file an opposition, if any, to the motion, or a statement
12 of non-opposition thereto, no later than October 19, 2011. Failure to file an opposition and
13 appear at the hearing, or to file a statement of non-opposition, will be deemed a statement of non-
14 opposition, and shall result in a recommendation that this action be dismissed.

15 4. Reply, if any, shall be filed no later than October 26, 2011.

16 Dated: September 26, 2011

17 
18 CAROLYN K. DELANEY
19 UNITED STATES MAGISTRATE JUDGE

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21 Santos.2086.nop.con.wpd