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

DAVID MYERS,

Plaintiff,

CIV. NO. S-11-2347 JAM CKD PS

vs.

HUNT & HERIQUES, et al.

ORDER

Defendants.

_____ /

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 January 11, 2012 law and motion calendar of the undersigned. Opposition to a 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 January 11, 2012 is vacated. Hearing on defendants'
6 motion is continued to February 8, 2012 at 10:00 a.m. in courtroom no. 26.

7 2. Plaintiff is directed to file opposition, if any, to the motion, or a statement of
8 non-opposition thereto, no later than January 25, 2012. Failure to file opposition and appear at
9 hearing, or to file a statement of non-opposition, will be deemed a statement of non-opposition,
10 and shall result in a recommendation that this action be dismissed.

11 3. Reply, if any, shall be filed no later than February 1, 2012.

12 Dated: January 3, 2012

13 
14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE

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