

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

GORDON H. FLATTUM,

Plaintiff,
vs.

No. 2:11-cv-2711 LKK GGH PS

STATE OF CALIFORNIA DEPARTMENT
OF CONSUMER AFFAIRS, et al.,

Defendants.

ORDER AND

ORDER TO SHOW CAUSE

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 June 20, 2013, 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 plaintiff failed to 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. 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

\\\\\\

\\\\\\

1 if written opposition to the motion has not been timely filed.” E.D. Cal. L. R. 230(c).¹ Pro se
2 litigants are bound by the rules of procedure, even though pleadings are liberally construed in
3 their favor. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362,
4 1364-65 (9th Cir.1986). The Local Rules specifically provide that cases of persons appearing in
5 propria persona who fail to comply with the Federal and Local Rules are subject to dismissal,
6 judgment by default, and other appropriate sanctions. E.D. Cal. L. R. 183.

7 Good cause appearing, IT IS HEREBY ORDERED that:

- 8 1. The hearing date of June 20, 2013 is vacated and the motion will be submitted
9 on the papers.
- 10 2. Plaintiff shall show cause, in writing, no later than July 5, 2013 why this action
11 should not be dismissed for failure timely to file opposition or a statement of non-opposition to
12 the pending motion.
- 13 3. Plaintiff is directed to file opposition, if any, to the motion, or a statement of
14 non-opposition thereto, no later than July 5, 2013. Failure to file opposition, or to file a
15 statement of non-opposition, will be deemed a statement of non-opposition, and shall result in a
16 recommendation that this action be dismissed.

17 DATED: June 11, 2013

18 /s/ Gregory G. Hollows
19 UNITED STATES MAGISTRATE JUDGE

20 GGH:076:Flattum2711.osc.wpd

21
22
23
24
25
26

¹ Moreover, failure to appear at hearing may be deemed withdrawal of opposition to a
motion or may result in sanctions. E.D. Cal. L. R. 230(j).