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

RICHARD MARTEL,  
Plaintiff,

CIV. NO. S-11-3040 GEB CKD PS

vs.

UNITED STATES OF AMERICA,  
Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is 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 March 28, 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

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

6 Good cause appearing, IT IS HEREBY ORDERED that:

7 1. The hearing date of March 28, 2012 is vacated. Hearing on defendant's  
8 motion is continued to April 25, 2012 at 10:00 a.m. in courtroom no. 26.

9 2. Plaintiff is directed to file opposition, if any, to the motion, or a statement of  
10 non-opposition thereto, no later than April 4, 2012. Failure to file opposition and appear at  
11 hearing, or to file a statement of non-opposition, will be deemed a statement of non-opposition,  
12 and shall result in a recommendation that this action be dismissed.

13 3. Reply, if any, shall be filed no later than April 11, 2012.

14 Dated: March 15, 2012

15   
16 CAROLYN K. DELANEY  
17 UNITED STATES MAGISTRATE JUDGE

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