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

DONALD G. ROSENE;
SHAUN L. ROSENE,

Plaintiffs,

No. CIV S-12-107 KJM EFB PS

vs.

AMERICAN BROKERS CONDUIT;
PLACER TITLE COMPANY;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
DEFAULT RESOLUTIONS NETWORK;
POWER DEFAULT SERVICES, INC.;
and DOES 1 through 520, inclusive,

ORDER TO SHOW CAUSE

Defendants.

_____ /
This case, in which plaintiffs are proceeding pro se, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). On January 13, 2012, defendants Mortgage Electronic Registration Systems, Inc. and Power Default Services, Inc. removed this action from Placer County Superior Court. Dckt. No. 1. Those defendants then filed a motion to dismiss the complaint and noticed the motion to be heard on March 14, 2012. Dckt. Nos. 5, 7.

Court records reflect that plaintiffs have filed neither an opposition nor a statement of non-opposition to the motion to dismiss. Local Rule 230(c) provides that opposition to the

1 granting of a motion, or a statement of non-opposition thereto, must be served upon the moving
2 party, and filed with this court, no later than fourteen days preceding the noticed hearing date or,
3 in this instance, by February 29, 2012. Local Rule 230(c) further provides that “[n]o party will
4 be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has
5 not been timely filed by that party.”

6 Local Rule 183, governing persons appearing in pro se, provides that failure to comply
7 with the Federal Rules of Civil Procedure and Local Rules may be ground for dismissal,
8 judgment by default, or other appropriate sanction. Local Rule 110 provides that failure to
9 comply with the Local Rules “may be grounds for imposition by the Court of any and all
10 sanctions authorized by statute or Rule or within the inherent power of the Court.” *See also*
11 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules
12 is a proper ground for dismissal.”). Pro se litigants are bound by the rules of procedure, even
13 though pleadings are liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th
14 Cir. 1987).

15 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

16 1. The hearing on defendants’ motion to dismiss, Dckt. No. 5, is continued to April 25,
17 2012.

18 2. Plaintiffs shall show cause, in writing, no later than April 11, 2012, why sanctions
19 should not be imposed for failure to timely file an opposition or a statement of non-opposition to
20 the pending motion.


21 3. Plaintiffs shall file an opposition to the motion, or a statement of non-opposition
22 thereto, no later than April 11, 2012.

23 4. Failure of plaintiffs to file an opposition will be deemed a statement of non-opposition
24 to the pending motion, and may result in a recommendation that this action be dismissed for lack
25 of prosecution and/or for failure to comply with court orders and this court’s Local Rules. *See*
26 Fed. R. Civ. P. 41(b).

1 5. Defendants may file a reply to plaintiffs' opposition on or before April 18, 2012.

2 SO ORDERED.

3 DATED: March 5, 2012.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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