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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 March 2, 2012, defendant Placer Title Company filed a motion to dismiss plaintiff’s complaint and noticed the motion to be heard on April 11, 2012.¹ Dckt. No. 9.

_____ /
¹ Defendants Mortgage Electronic Registration Systems, Inc. and Power Default Services, Inc. previously filed a motion to dismiss and noticed the motion for hearing on March 14, 2012. Dckt. Nos. 5, 7. However, because plaintiffs failed to file an opposition to that motion, the hearing was continued to April 25, 2012, and plaintiffs were ordered to show cause why they should not be sanctioned for failing to file an opposition. Dckt. No. 10.

1 Court records reflect that plaintiffs have filed neither an opposition nor a statement of
2 non-opposition to the motion to dismiss. Local Rule 230(c) provides that opposition to the
3 granting of a motion, or a statement of non-opposition thereto, must be served upon the moving
4 party, and filed with this court, no later than fourteen days preceding the noticed hearing date or,
5 in this instance, by March 28, 2012. Local Rule 230(c) further provides that “[n]o party will be
6 entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has
7 not been timely filed by that party.”

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

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

18 1. The hearing on Placer Title Company’s motion to dismiss, Dckt. No. 9, is continued to
19 April 25, 2012.

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

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

25 4. Failure of plaintiffs to file an opposition will be deemed a statement of non-opposition
26 to the pending motion, and may result in a recommendation that this action be dismissed for lack

1 of prosecution and/or for failure to comply with court orders and this court's Local Rules. *See*
2 Fed. R. Civ. P. 41(b).

3 5. Placer Title Company may file a reply to plaintiffs' opposition on or before April 18,
4 2012.

5 SO ORDERED.

6 DATED: April 4, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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