1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOHN PHILIP MONCRIEF, No. 2:12-cv-0414 MCE AC P 12 Plaintiff. 13 **ORDER** v. 14 CALIFORNIA DEPARTMENT OF CORRECTIONS, et al., 15 Defendants. 16 17 18 Plaintiff, a state prisoner, proceeds through counsel with a second amended civil rights 19 complaint filed pursuant to 42 U.S.C. § 1983. On January 14, 2014, defendants filed a motion to 20 dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 35. No opposition to the 21 motion to dismiss has been filed. 22 Local Rule 230(c) provides that opposition to the granting of a motion must be filed 23 fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o party will 24 be entitled to be heard in opposition to a motion at oral arguments if written opposition to the 25 motion has not been timely filed by that party." In addition, Local Rule 230(i) provides that 26 failure to appear may be deemed withdrawal of opposition to the motion or may result in 27 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules "may be 28 grounds for imposition of any and all sanctions authorized by statute or Rule or within the 1

inherent power of the Court." Good cause appearing, IT IS HEREBY ORDERED that: 1. The hearing date of February 12, 2014 is vacated. Hearing on defendants' motion to dismiss is continued to March 19, 2014 at 10:00 a.m. in Courtroom No. 26. 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than March 5, 2014. Failure to file opposition and appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). DATED: February 7, 2014 auson Clane UNITED STATES MAGISTRATE JUDGE