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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PHILIP MONCRIEF,

No. 2:12-cv-00414 MCE AC P

Plaintiff,

v.

ORDER

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

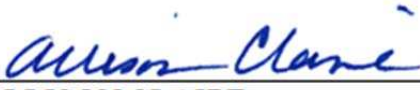
Plaintiff, a state prisoner, proceeds through counsel with a third amended civil rights complaint filed pursuant to 42 U.S.C. § 1983. On February 19, 2015, defendants filed a motion to partially dismiss the third amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 62. No response to the motion to dismiss has been filed. A hearing on the motion to dismiss was set for March 25, 2015, at 10:00 a.m. Id.; ECF No. 64. Plaintiff’s counsel failed to appear.

Local Rule 230(c) requires a party responding to a motion to file either an opposition to the motion or statement of non-opposition no less than fourteen days preceding the noticed hearing date. In addition, Local Rule 230(i) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition by the Court

1 of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”  
2 Plaintiff has previously been advised of the consequences of failing to file an opposition to a  
3 motion to dismiss and failing to appear, and that such failures may be deemed a waiver of  
4 opposition to the motion or result in sanctions. ECF No. 36.

5 Accordingly, IT IS HEREBY ORDERED that within seven days of the date of this order,  
6 plaintiff’s counsel shall show cause why they should not be sanctioned \$500.00, payable to the  
7 Clerk of the Court, for failing to respond to defendants’ motion to dismiss and for failing to  
8 appear at the March 25, 2015 hearing. Counsel shall also show cause why failure to file an  
9 opposition should not be deemed as a statement of non-opposition and result in a  
10 recommendation that the motion to dismiss be granted.

11 DATED: March 25, 2015

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE  
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