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

DANIEL THOMAS HARVEY,

Plaintiff,

No. 2:12-cv-526-KJM-EFB PS

vs.

CITY OF SOUTH LAKE TAHOE;
DOUGLAS COUNTY; EL DORADO
COUNTY; ROBERT K. PRISCARO;
JAKE HERMINGHAUS; SHANNON
LANEY; ANDREW EISSINGER,

Defendants.

ORDER TO SHOW CAUSE

_____ /
This case, in which plaintiff is 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 May 8, 2012, defendants County of El Dorado and Robert K. Priscaro re-noticed their motion to dismiss plaintiff's complaint for hearing before the undersigned on June 20, 2012.¹ Dckt. No. 19.

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

¹ Also pending before the court are motions to dismiss filed by defendants City of South Lake Tahoe, Jake Herminghaus, Shannon Laney, and Andrew Eissinger, Dckt. No. 4, and by defendant Douglas County, Nevada, Dckt. No. 8. *See also* Dckt. No. 17 at 3.

1 motion, or a statement of non-opposition thereto, must be served upon the moving party, and
2 filed with this court, no later than fourteen days preceding the noticed hearing date or, in this
3 instance, by June 6, 2012. Local Rule 230(c) further provides that “[n]o party will be entitled to
4 be heard in opposition to a motion at oral arguments if opposition to the motion has not been
5 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 County of El Dorado and Robert K. Priscaro’s motion to
17 dismiss, Dckt. No. 19, is continued to Tuesday, July 17, 2012.

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

21 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition
22 thereto, no later than July 2, 2012.

23 4. Failure of plaintiff to file an opposition to the motion will be deemed a statement of
24 non-opposition thereto, and may result in a recommendation that any or all of the pending
25 motions be granted or that this action be dismissed with prejudice for failure to follow court
26 orders and/or for lack of prosecution under Rule 41(b).

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5. Defendants County of El Dorado and Robert K. Priscaro may file a reply to plaintiff's opposition, if any, on or before July 9, 2012.

6. The status (pretrial scheduling) conference currently set for August 22, 2012, Dckt. Nos. 18 and 21, is continued to November 14, 2012 at 10:00 a.m. in Courtroom No. 24.

7. On or before October 31, 2012, the parties shall file status reports, as provided in the undersigned May 7, 2012 order, Dckt. No. 18.

SO ORDERED.

DATED: June 14, 2012

/s/ Edmund F. Brennan
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE