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

JOHN CLEVELAND, et al.,

Plaintiffs,

NO. 2:12-cv-1738 KJM GGH PS

vs.

AMERICAN MORTGAGE NETWORK, et al.,

Defendants.

ORDER AND

ORDER TO SHOW CAUSE

Plaintiffs are proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21). A motion to dismiss filed by defendants CitiMortgage, Inc., CitiBank, N.A., Citicorp Mortgage Securities, Inc., and CMALT is presently noticed for hearing on the September 27, 2012, law and motion calendar of the undersigned. Opposition to motions, or a statement of non-opposition thereto, must be filed fourteen days preceding the noticed hearing date. E.D. Cal. L. R. 230(c). Court records reflect that plaintiffs failed to file an opposition or a statement of non-opposition to the motion.

Failure to comply with the Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. L. R. 110; see Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Additionally, “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written

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1 opposition to the motion has not been timely filed.” E.D. Cal. L. R. 230(c).¹ Pro se litigants are
2 bound by the rules of procedure, even though pleadings are liberally construed in their favor.
3 Jacobsen v. Filler, 790 F.2d 1362, 1364-65 (9th Cir.1986). The Local Rules specifically provide
4 that cases of persons appearing in propria persona who fail to comply with the Federal and Local
5 Rules are subject to dismissal, judgment by default, and other appropriate sanctions. E.D. Cal. L.
6 R. 183.

7 Furthermore, having reviewed the record, the court has determined that oral
8 argument would not be of material assistance in determining the pending motion. Accordingly,
9 the court will not entertain oral argument, and will determine the motion on the record, including
10 the briefing in support of the pending motion. See E.D. Cal. L.R. 230(g).

11 Good cause appearing, IT IS HEREBY ORDERED that:

12 1. The hearing date of September 27, 2012 is vacated, and the motion is
13 submitted on the record.

14 2. Plaintiffs shall show cause, in writing, within fourteen days of this order why
15 this action should not be dismissed for failure to prosecute. Failure to comply with this order
16 shall result in a recommendation that this action be dismissed.

17 DATED: September 18, 2012

18 /s/ Gregory G. Hollows
19 UNITED STATES MAGISTRATE JUDGE

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¹ Moreover, failure to appear at hearing may be deemed withdrawal of opposition to a
motion or may result in sanctions. E.D. Cal. L. R. 230(j).