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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 THOMAS RANDALL, JR., *et al.*,

12 Plaintiffs,

No. CIV 2:12-cv-2689 KJM AC PS

13 vs.

14 DAVIS JOINT UNIFIED SCHOOL
15 DISTRICT, *et al.*,

16 Defendants.

ORDER

17 This action was referred to the undersigned pursuant to Local Rule 302(c)(21).

18 On November 26, 2012, defendants filed a motion to dismiss pursuant to Fed. R. Civ. P.

19 12(b)(1), (6) and 12(f). No opposition to the motion to dismiss has been filed.

20 Local Rule 230(c) provides that opposition to the granting of a motion must be
21 filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o
22 party will be entitled to be heard in opposition to a motion at oral arguments if written opposition
23 to the motion has not been timely filed by that party.” In addition, Local Rule 230(j) provides
24 that failure to appear may be deemed withdrawal of opposition to the motion or may result in
25 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be
26 grounds for imposition of any and all sanctions authorized by statute or Rule or within the

1 inherent power of the Court.”

2 Good cause appearing, IT IS HEREBY ORDERED that:

3 1. The hearing date of January 16, 2013 is vacated. Hearing on defendants’
4 motion to dismiss is continued to February 20, 2013 at 10:00 a.m. in courtroom no. 26.

5 2. Plaintiffs shall file opposition, if any, to the motion to dismiss, no later than
6 February 6, 2013. Failure to file opposition and appear at the hearing will be deemed as a
7 statement of non-opposition and shall result in a recommendation that this action be dismissed
8 pursuant to Federal Rule of Civil Procedure 41(b).

9 DATED: January 7, 2013.

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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