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

BETTY JO NEWMAN, et al.,

Plaintiffs,

No. 2:12-cv-2951 KJM CKD PS

vs.

JP MORGAN CHASE BANK, N.A., et al.,

ORDER

Defendants.

_____ /

Plaintiffs are proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21).¹ Defendants’ motion to dismiss and joinder in the motion to dismiss are presently noticed for hearing on the February 20, 2013 law and motion calendar of the undersigned. Opposition to a motion, 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 timely file 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

¹ Notwithstanding the filing of the decline to consent before the magistrate judge which was filed by plaintiffs on February 5, 2013, pretrial matters will be heard by the magistrate judge in this matter pursuant to the provisions of Local Rule 302(c)(21).

1 Court.” E.D. Cal. L. R. 11-110; see Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).
2 Additionally, “[n]o party will be entitled to be heard in opposition to a motion at oral arguments
3 if written opposition to the motion has not been timely filed.” E.D. Cal. L. R. 230(c). Pro se
4 litigants are bound by the rules of procedure, even though pleadings are liberally construed in
5 their favor. King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987); Jacobsen v. Filler, 790 F.2d 1362,
6 1364-65 (9th Cir. 1986). The Local Rules specifically provide that cases of persons appearing in
7 propria persona who fail to comply with the Federal and Local Rules are subject to dismissal,
8 judgment by default, and other appropriate sanctions. E.D. Cal. L. R. 183.

9 Good cause appearing, IT IS HEREBY ORDERED that:

10 1. The hearing date of February 20, 2013 is vacated. Hearing on defendants’
11 motion is continued to March 13, 2013 at 10:00 a.m. in courtroom no. 24.

12 2. Plaintiffs are directed to file opposition, if any, to the motion, or a statement of
13 non-opposition thereto, no later than February 20, 2013. Failure to file opposition and appear at
14 hearing, or to file a statement of non-opposition, will be deemed a statement of non-opposition,
15 and shall result in a recommendation that this action be dismissed.

16 3. Reply, if any, shall be filed no later than February 27, 2013.

17 Dated: February 8, 2013

18 
19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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