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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT BENYAMINI,

 Plaintiff,

 v.

M. SWETT, et al.,

 Defendants.

No. 2:13-cv-735-KJM-EFB P

ORDER

Plaintiff is a former state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On October 13, 2017, defendants filed a motion for summary judgment. ECF No. 98. That motion was noticed for hearing on November 15, 2017. Plaintiff has not filed an opposition or a statement of no opposition to defendants’ motion.

Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date or, in this instance, by November 1, 2017. Local Rule 230(c) further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party.”

Local Rule 183, governing persons appearing in pro se, provides that failure to comply with the Federal Rules of Civil Procedure and Local Rules may be grounds for dismissal, judgment by default, or other appropriate sanctions. Local Rule 110 provides that failure to

1 comply with the Local Rules “may be grounds for imposition by the Court of any and all
2 sanctions authorized by statute or Rule or within the inherent power of the Court.” *See also*
3 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules
4 is a proper ground for dismissal.”). Pro se litigants are bound by the rules of procedure, even
5 though pleadings are liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th
6 Cir. 1987).

7 Accordingly, it is HEREBY ORDERED that:

8 1. Within twenty-one days of the date of this order, plaintiff shall file either an opposition
9 to defendants’ motion for summary judgment (ECF No. 98) or a statement of no opposition to the
10 same. Failure to comply with this order may result in a recommendation that this action be
11 dismissed without prejudice;

12 2. If plaintiff submits a response to defendants’ motion within the foregoing deadline,
13 defendants may submit a reply thereto within seven days of plaintiff’s filing; and

14 3. The court finds that oral argument would not be of material assistance and, therefore,
15 the November 15, 2017 hearing is VACATED. *See* E.D. Cal. L.R. 230(g). The matter will stand
16 submitted for decision after the filing of defendants’ reply, if any.

17 DATED: November 8, 2017.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE
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