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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 June 30, 2016, defendants filed a motion to compel and a request for sanctions. ECF No. 82. Defendants noticed the hearing on their motion for August 10, 2016.

Court records reflect that plaintiff has not filed an opposition or statement of non-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 July 27, 2016. 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,

1 judgment by default, or other appropriate sanctions. Local Rule 110 provides that failure to
2 comply with the Local Rules “may be grounds for imposition by the Court of any and all
3 sanctions authorized by statute or Rule or within the inherent power of the Court.” *See also*
4 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules
5 is a proper ground for dismissal.”). Pro se litigants are bound by the rules of procedure, even
6 though pleadings are liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th
7 Cir. 1987).

8 Accordingly, good cause appearing, it is hereby ORDERED that:

9 1. The August 10, 2016 hearing on defendants’ motion to compel and request for
10 sanctions is vacated.¹

11 2. Within 14 days of the date of this order, plaintiff shall file either an opposition to
12 defendants’ motion to compel and request for sanctions or a statement of no opposition.

13 3. Failure of plaintiff to file an opposition to the motion will be deemed a statement of
14 non-opposition thereto, and may result in a recommendation that this action be dismissed for lack
15 of prosecution and/or for failure to comply with court orders and this court’s Local Rules. *See*
16 Fed. R. Civ. P. 41(b).

17 4. The August 16, 2016 deadline for the filing of defendants’ dispositive motion is
18 vacated. After defendants’ motion to compel and request for sanctions is submitted for decision,
19 the court will set a new deadline for defendants’ filing of a dispositive motion.

20 DATED: August 4, 2016.

21 
22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE

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28 ¹ The court will set the matter for hearing, if, after briefing is complete, it appears that a
hearing would be of material assistance to the court.