1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ROBERT I. WADE, No. 2:13-cv-0758 KJM AC PS 12 Plaintiffs. 13 v. **ORDER** 14 OFFICE OF COMPTROLLER & CURRENCY, et al., 15 Defendants. 16 17 18 This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On 19 May 3, 2013, defendant Wells Fargo Bank, N.A. filed a motion to dismiss pursuant to Fed. R. 20 Civ. P. 12(b)(6). No opposition to the motion to dismiss has been filed. 21 Local Rule 230(c) provides that opposition to the granting of a motion must be 22 filed fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o party 23 will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the 24 motion has not been timely filed by that party." In addition, Local Rule 230(j) provides that 25 failure to appear may be deemed withdrawal of opposition to the motion or may result in 26 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules "may be 27 grounds for imposition of any and all sanctions authorized by statute or Rule or within the 28 1

inherent power of the Court." Good cause appearing, IT IS HEREBY ORDERED that: 1. The hearing date of June 12, 2013 is vacated. Hearing on defendant's motion to dismiss is continued to July 17, 2013 at 10:00 a.m. in courtroom no. 26. 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than July 3, 2013. Failure to file opposition and appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). auson Clane DATED: May 31, 2013 UNITED STATES MAGISTRATE JUDGE /mb;wade0758.nooppo