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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT I. WADE,

 Plaintiffs,

 v.

OFFICE OF COMPTROLLER &
CURRENCY, et al.,

 Defendants.

No. 2:13-cv-0758 KJM AC PS

ORDER

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On October 31, 2013, defendant Wells Fargo Bank, N.A. filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). No opposition to the motion to dismiss has been filed.

Local Rule 230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be 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 December 11, 2013 is vacated. Hearing on defendant’s motion to
4 dismiss is continued to January 29, 2014 at 10:00 a.m. in courtroom no. 26.
- 5 2. Within seven days from the date of this order, defendant shall re-serve its motion to
6 dismiss on plaintiff at the new address provided in plaintiff’s November 18, 2013
7 notice of change of address. See ECF No. 45.
- 8 3. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than January 15,
9 2014. Failure to file opposition and appear at the hearing will be deemed as a
10 statement of non-opposition and shall result in a recommendation that this action be
11 dismissed pursuant to Federal Rule of Civil Procedure 41(b).

12 DATED: December 2, 2013

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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