

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD T. COLLIER,  
  
Plaintiff,  
  
v.  
  
VALLEJO POLICE DEP'T, et al.,  
  
Defendants.

No. 2:13-cv-0852 LKK AC PS

ORDER

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On June 10, 2013, defendants City of Vallejo and Vallejo Police Department filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(3) and (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 July 24, 2013 is vacated. Hearing on defendants’ motion to  
4 dismiss is continued to September 4, 2013 at 10:00 a.m. in courtroom no. 26.

5 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than August 21,  
6 2013. Failure to file opposition and appear at the hearing will be deemed as a statement of non-  
7 opposition and shall result in a recommendation that this action be dismissed pursuant to Federal  
8 Rule of Civil Procedure 41(b).

9 DATED: July 15, 2013

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

/mb;coll0852.nooppo