

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WALKER,

Plaintiff,

No. 2:13-cv-0890 MCE DAD PS

vs.

SUNTRUST MORTGAGE INC.,

ORDER TO SHOW CAUSE

Defendant.

_____ /

Plaintiff Willie Walker is proceeding in this action pro se. The action has therefore been referred to the undersigned pursuant to Local Rule 302(c)(21) for all purposes encompassed by that rule.

This matter came before the court on June 28, 2013, for hearing of defendant’s motion to dismiss. John Calvagna, Esq. appeared telephonically for defendant Suntrust Mortgage, Inc. Despite being served with notice of the motion plaintiff did not file written opposition or a statement of non-opposition to the motion to dismiss and did not appear at the hearing of the motion, nor did anyone appear on her behalf.

Pursuant to the Local Rules of Practice for the United States District Court for the Eastern District of California, opposition, if any, to the granting of a motion “shall be in writing and shall be filed and served not less than fourteen (14) days preceding the noticed (or continued)

1 hearing date.” Local Rule 230(c). “No party will be entitled to be heard in opposition to a
2 motion at oral arguments if opposition to the motion has not been timely filed by that party.” Id.
3 Failure to appear at the hearing of a properly noticed motion may be deemed withdrawal of any
4 written opposition that was timely filed, in the discretion of the court, or may result in the
5 imposition of sanctions. Local Rule 230(i). Failure of a party to comply with the Local Rules or
6 any order of the court “may be grounds for imposition by the Court of any and all sanctions
7 authorized by statute or Rule or within the inherent power of the Court.” Local Rule 110. Any
8 individual representing himself or herself without an attorney is bound by the Federal Rules of
9 Civil Procedure, the Local Rules, and all applicable law. Local Rule 183(a). Failure to comply
10 with applicable rules and law may be grounds for dismissal or any other sanction appropriate
11 under the Local Rules. Id.

12 Here, plaintiff has failed to comply with Local Rule 230. In light of plaintiff’s pro
13 se status and in the interests of justice, the court will provide plaintiff with an opportunity to
14 show good cause for her conduct along with a final opportunity to oppose defendant’s motion.

15 Accordingly, the court HEREBY ORDERS that plaintiff show cause in writing
16 within fourteen days of the date of this order why this case should not be dismissed for lack of
17 prosecution. Failure to timely file the required writing will result in a recommendation that this
18 case be dismissed.¹

19 DATED: July 3, 2013.

20
21 
22 _____
23 DALE A. DROZD
24 UNITED STATES MAGISTRATE JUDGE

23 DAD:6
24 Ddad1\orders.pro se\walker0890.osc

25 _____
26 ¹ Alternatively, plaintiff may comply with this order by filing a notice of voluntary
dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.