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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIEN EDWARD SMITH,
Plaintiff,
v.
LOWE’S HIW, INC., ET AL.,
Defendants.

No. 2:13-cv-1713 WBS AC PS

ORDER

This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On January 30, 2014, defendant filed a motion to dismiss and motion to strike pursuant to Federal Rule of Civil Procedure 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 inherent power of the Court.”

Good cause appearing, IT IS HEREBY ORDERED that:

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1. The hearing date of March 12, 2014 is vacated. Hearing on defendant's motion to dismiss and motion to strike is continued to April 9, 2014 at 10:00 a.m. in Courtroom No. 26.

2. Plaintiff shall file opposition, if any, to the motion to dismiss and motion to strike, no later than March 26, 2014. 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).

DATED: March 7, 2014



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE