1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 WAYNE D. SMITH, No. 2:13-cv-1830 TLN AC PS 12 Plaintiff. 13 **ORDER** v. 14 AZIZ SHARIAT, ET AL., 15 Defendants. 16 17 This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On 18 January 17, 2014, defendant Aziz Shariat filed a motion to dismiss pursuant to Federal Rule of 19 Civil Procedure 12(b)(6). No opposition to the motion to dismiss has been filed. 20 Local Rule 230(c) provides that opposition to the granting of a motion must be filed 21 fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o party will 22 be entitled to be heard in opposition to a motion at oral arguments if written opposition to the 23 motion has not been timely filed by that party." In addition, Local Rule 230(j) provides that 24 failure to appear may be deemed withdrawal of opposition to the motion or may result in 25 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules "may be 26 grounds for imposition of any and all sanctions authorized by statute or Rule or within the 27 inherent power of the Court." 28 //// 1

Good cause appearing, IT IS HEREBY ORDERED that:

1. The hearing date of February 19, 2014 is vacated. Hearing on defendant's motion to dismiss is continued to April 2, 2014 at 10:00 a.m. in Courtroom No. 26.

2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than March 19, 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: February 7, 2014

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE