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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DINH NGUY,

Plaintiff,

v.

COUNTY OF YOLO; SUPERIOR
COURT OF THE STATE OF
CALIFORNIA, IN AND FOR THE
COUNTY OF YOLO; DANIEL P.
McGUIRE; JEFF STONE; MARVIN C.
MARX; JOHN C. ORCUTT; WENDY A.
TAYLOR; WILLIAM MARDER,

Defendants.

No. 2:14-cv-229-MCE-EFB PS

ORDER TO SHOW CAUSE

Defendants Daniel McGuire and John Orcutt moved to dismiss plaintiff's complaint on February 14, 2014. ECF Nos. 5, 6.¹ The hearing on their motions was originally noticed for March 20, 2014. Because plaintiff failed to timely file an opposition to the motions, he was ordered to file an opposition or statement of non-opposition by April 16, 2014, and to show cause, by the same date, why sanctions should not be imposed for failure to timely file an opposition or statement of non-opposition. ECF No. 16. The court also continued the hearing on defendants

¹ This case, in which plaintiff is proceeding pro se, is before the undersigned pursuant to 28 U.S.C. § 636(b)(1) and Eastern District of California Local Rule 302(c)(21).

1 McGuire and Orcutt's motions to May 14, 2014. ECF Nos. 16, 25. Plaintiff timely filed a
2 response to the court's order to show cause, in which plaintiff addresses the merits of defendants
3 McGuire and Orcutt's motions. ECF No. 19. Plaintiff also filed an opposition and motion to
4 strike defendant Orcutt's motion to dismiss, ECF No. 20, and a motion to strike defendant
5 McGuire's motion to dismiss, ECF No. 21.

6 However, on April 7, 2014, defendant Wendy A. Taylor filed a motion to dismiss the
7 complaint for failure to state a claim. ECF No. 17. The hearing on her motion was noticed for
8 May 14, 2014. *Id.* While plaintiff has now responded to defendants McGuire and Orcutt's
9 motions, court records reflect that plaintiff has not filed an opposition or statement of non-
10 opposition to defendant Taylor's motion to dismiss. Local Rule 230(c) provides that opposition
11 to the granting of a motion, or a statement of non-opposition thereto, must be served upon the
12 moving party, and filed with this court, no later than fourteen days preceding the noticed hearing
13 date or, in this instance, by April 30, 2014. Local Rule 230(c) further provides that "[n]o party
14 will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion
15 has not been timely filed by that party."

16 Local Rule 183, governing persons appearing in pro se, provides that failure to comply
17 with the Federal Rules of Civil Procedure and Local Rules may be grounds for dismissal,
18 judgment by default, or other appropriate sanctions. Local Rule 110 provides that failure to
19 comply with the Local Rules "may be grounds for imposition by the Court of any and all
20 sanctions authorized by statute or Rule or within the inherent power of the Court." *See also*
21 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's local rules
22 is a proper ground for dismissal."). Pro se litigants are bound by the rules of procedure, even
23 though pleadings are liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th
24 Cir. 1987).

25 Accordingly, good cause appearing, it is hereby ORDERED that:

26 1. The hearing on all currently pending motions to dismiss (ECF Nos. 5, 6, 17) is
27 continued to June 11, 2014 at 10:00 a.m. in Courtroom No. 8.

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1 2. Plaintiff shall show cause, in writing, no later than May 28, 2014, why sanctions
2 should not be imposed for failure to timely file an opposition or a statement of non-opposition to
3 defendant Taylor's motion.

4 3. Plaintiff shall file an opposition to defendant Taylor's motion, or a statement of non-
5 opposition thereto, no later than May 28, 2014.

6 4. Failure of plaintiff to file an opposition to the motion will be deemed a statement of
7 non-opposition thereto, and may result in a recommendation that this action be dismissed for lack
8 of prosecution and/or for failure to comply with court orders and this court's Local Rules. *See*
9 Fed. R. Civ. P. 41(b).

10 5. Defendant Taylor may file a reply to plaintiff's opposition, if any, on or before June 4,
11 2014.

12 6. The Status Conference currently set for June 18, 2014, is continued to September 17,
13 2014. The parties shall file status reports not later than fourteen days. *See* ECF No. 3.

14 DATED: May 8, 2014.

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16 EDMUND F. BRENNAN
17 UNITED STATES MAGISTRATE JUDGE
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