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8                    UNITED STATES DISTRICT COURT

9              FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   RAYMOND SHERWOOD,                    No.  2:14-cv-0478 KJM CKD PS

12           Plaintiff,

13      v.                               ORDER

14   WELLS FARGO BANK, et al.,

15           Defendants.

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17        This action was referred to the undersigned pursuant to Local Rule 302(c)(21).

18   Calendared for hearing on June 18, 2014 is defendants' motion to dismiss.  The motion was

19   previously calendared for hearing on May 7, 2014.  The parties requested a continuance of the

20   hearing because they were attempting to settle the matter.  The court therefore continued the

21   hearing and directed that opposition, if any, be filed no later than June 4, 2014.  No opposition to

22   the motion has been filed and the parties have not filed a notice of settlement.

23        Local Rule 230(c) provides that opposition to the granting of a motion must be filed

24   fourteen days preceding the noticed hearing date.  The Rule further provides that "[n]o party will

25   be entitled to be heard in opposition to a motion at oral arguments if written opposition to the

26   motion has not been timely filed by that party."  In addition, Local Rule 230(i) provides that

27   failure to appear may be deemed withdrawal of opposition to the motion or may result in

28   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:

1. The hearing date of June 18, 2014 is vacated.

2. Plaintiff shall file opposition, if any, to the motion no later than June 11, 2014. Failure

to file opposition will be deemed as a statement of non-opposition and shall result in submission

of the motion on the papers and a recommendation that this action be dismissed pursuant to

Federal Rule of Civil Procedure 41(b). In lieu of filing an opposition, the parties may file a notice

of settlement.

3. Reply, if any, shall be filed no later than June 18, 2014. The matter shall thereafter

stand submitted.

Dated: June 6, 2014

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CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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