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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY-THOMAS: SMITH,
Plaintiff,
v.
MATTHEW LANGFORD, et al.,
Defendants.

No. 2:14-cv-1916 JAM GGH PS

ORDER AND
ORDER TO SHOW CAUSE

Plaintiff is proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21). Defendant’s motion to dismiss is presently noticed for hearing on the February 5, 2015, law and motion calendar of the undersigned. Opposition to motions, or a statement of non-opposition thereto, must be filed fourteen days preceding the noticed hearing date. E.D. Cal. L. R. 230(c). Court records reflect that plaintiff failed to file opposition or a statement of non-opposition to the motion.

Failure to comply with the Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. L. R. 110; see Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Additionally, “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition

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1 to the motion has not been timely filed.” E.D. Cal. L. R. 230(c).¹ Pro se litigants are bound by
2 the rules of procedure, even though pleadings are liberally construed in their favor. King v.
3 Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), *overruled on other grounds* by Lacey v. Maricopa
4 County, 693 F.3d 896, 925 (9th Cir. 2012); Jacobsen v. Filler, 790 F.2d 1362, 1364-65 (9th
5 Cir.1986). The Local Rules specifically provide that cases of persons appearing in propria
6 persona who fail to comply with the Federal and Local Rules are subject to dismissal, judgment
7 by default, and other appropriate sanctions. E.D. Cal. L. R. 183.

8 Good cause appearing, IT IS HEREBY ORDERED that:

9 1. The hearing date of February 5, 2015 is vacated.²

10 2. Plaintiff shall show cause, in writing, no later than February 12, 2015 why sanctions
11 should not be imposed for failure timely to file opposition or a statement of non-opposition to the
12 pending motion.

13 3. Plaintiff is directed to file opposition, if any, to the motion, or a statement of non-
14 opposition thereto, no later than February 12, 2015. Failure to file opposition, or to file a
15 statement of non-opposition, will be deemed a statement of non-opposition, and shall result in a
16 recommendation that this action be dismissed.

17 Dated: January 27, 2015

18 /s/ Gregory G. Hollows

19 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Moreover, failure to appear at hearing may be deemed withdrawal of opposition to a motion or
28 may result in sanctions. E.D. Cal. L. R. 230(i).

² If the court deems oral argument is needed, it will reschedule the hearing at a later date.