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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

LOUIS H. VOSS; GREEN MAN
RECYCLING, INC., a California
Corporation,

Defendants.

No. 2:14-cv-2021-TLN-EFB

ORDER

On November 18, 2014, defendant Green Man Recycling, Inc. (“GMRI”) moved to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(5) for ineffective service of process. ECF No. 5. The motion was originally noticed for hearing on January 15, 2015, but was subsequently re-noticed for hearing on January 7, 2015. ECF Nos. 5, 7. In violation of Local Rule 230, plaintiff failed to timely file an opposition to the motion. Accordingly, plaintiff was ordered to show cause why sanctions should not be imposed, and the hearing on GMRI’s motion was continued to January 28, 2015. ECF No. 9. At the January 28 hearing, attorney Amanda Lockhart appeared on behalf of plaintiff, defendant GMRI failed to appear.

Local Rule 230(i) provides that “[a]bsent notice of intent to submit the matter on the briefs, failure to appear [at the hearing] may be deemed withdrawal of the motion or of opposition to the motion, in the discretion of the Court, or may result in the imposition of sanctions.” Failure

1 to comply with the court's Local Rules or the orders of this court "may be grounds for imposition
2 by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of
3 the Court." E.D. Cal. L.R. 110. Therefore, defendant GMRI will be ordered to show cause why
4 sanctions should not be imposed for its failure to appear at the January 28, 2015 hearing on its
5 motion to dismiss.

6 Accordingly, it is hereby ORDERED that:

- 7 1. Defendant GMRI shall show cause, in writing, on or before February 4, 2015, why
8 sanctions should not be imposed for its failure to appear at the January 28, 2015
9 hearing.
- 10 2. The hearing on GMRI's motion to dismiss, ECF No. 5, is continued to February 11,
11 2015. GMRI is admonished that it must appear at the hearing on its motion.
- 12 3. Hearing on the order to show cause directed at plaintiff for failure to file a timely
13 opposition is continued to February 11, 2015.
- 14 4. Failure to comply with this order may result in a recommendation that GMRI's motion
15 to dismiss be denied. *See* E.D. Cal. L.R. 230(i).

16 DATED: January 29, 2015.

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18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE
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