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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

LOUIS H. VOSS, in his individual and  
representative capacity as Trustee-- the  
Louis H. Voss Trust; GREEN MAN  
RECYCLING, INC., a California  
corporation; and Does 1-10,

Defendants.

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

ORDER TO SHOW CAUSE

On November 18, 2014, defendant Green Man Recycling filed a motion to quash service of the complaint pursuant to Federal Rule of Civil Procedure 12(b)(5) on the ground that Green Man Recycling was not properly served. ECF No. 5. Defendant noticed the motion for hearing for January 7, 2015. ECF No. 7.

Court records reflect that plaintiff has not filed an opposition or statement of non-opposition to the motion. Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date or, in this instance, by September 10, 2014. Local Rule 230(c) further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely

1 filed by that party.” Local Rule 110 provides that failure to comply with the Local Rules “may be  
2 grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or  
3 within the inherent power of the Court.” *See also Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir.  
4 1995) (“Failure to follow a district court’s local rules is a proper ground for dismissal.”).

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

6 1. The hearing on defendant’s motion to quash, ECF No. 5, is continued to January 28,  
7 2015.

8 2. Plaintiff shall show cause, in writing, no later than January 14, 2015, why sanctions  
9 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
10 the pending motion.

11 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto,  
12 no later than January 14, 2015.

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

17 5. Defendant may file a reply to plaintiff’s opposition, if any, on or before January 21,  
18 2015.

19 DATED: December 29, 2014.

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21 EDMUND F. BRENNAN  
22 UNITED STATES MAGISTRATE JUDGE  
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