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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTION, INC.,  
Plaintiff,  
v.  
LUIS ALONSO CABRERA, et al.,  
Defendants.

No. 2:14-cv-2667-JAM-EFB PS

ORDER TO SHOW CAUSE

Plaintiff filed a motion for summary judgment and noticed the motion for hearing on April 27, 2016.<sup>1</sup> ECF Nos. 28, 31.

Court records reflect that defendants have not filed an opposition or statement of non-opposition to the motion for summary judgment. 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 April 13, 2015. 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 filed by that party.”

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<sup>1</sup> This case, in which defendants are 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           Additionally, Local Rule 260(b) provides that “[a]ny party opposing a motion for  
2 summary judgment or summary adjudication shall reproduce the itemized facts in the Statement  
3 of Undisputed Facts and admit those facts that are undisputed and deny those that are disputed,  
4 including with each denial a citation to the particular portions of any pleading, affidavit,  
5 deposition, interrogatory answer, admission, or other document relied upon in support of that  
6 denial.” Local Rule 260(b) further provides that “[t]he opposing party may also file a concise  
7 ‘Statement of Disputed Facts,’ and the source thereof in the record, of all additional material facts  
8 as to which there is a genuine issue precluding summary judgment or adjudication,” and that  
9 “[t]he opposing party shall be responsible for the filing of all evidentiary documents cited in the  
10 opposing papers.”

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

20           Because defendants have failed to file an opposition or statement of non-opposition to  
21 plaintiff’s motion for summary judgment, as required by Local Rule 230, and have failed to  
22 respond to plaintiff’s statement of undisputed facts, as required by Local Rule 260, the hearing on  
23 plaintiff’s motion for summary judgment must be continued. Defendants are ordered to show  
24 cause why sanctions should not be imposed for failure to timely file an opposition or a statement  
25 of non-opposition to the pending motion and for failure to timely file a response to plaintiff’s  
26 statement of undisputed facts. Defendants are also ordered to file an opposition to the motion or a  
27 statement of non-opposition thereto and a response to plaintiff’s statement of undisputed facts.

28       /////

1 Failure to comply with this order may result in a recommendation that plaintiff's motion for  
2 summary judgment be granted.

3 The court informs defendants of the following with respect to opposing a motion for  
4 summary judgment under Federal Rule of Civil Procedure 56: Such a motion is a request that the  
5 court grant judgment in plaintiff's favor without trial. A motion for summary judgment will set  
6 forth the facts that plaintiff asserts are not reasonably subject to dispute and that entitle it to  
7 judgment under applicable law. To oppose a motion for summary judgment, defendants may file  
8 one or more affidavits or declarations setting forth the material facts that defendants believe are  
9 subject to reasonable dispute, as long as the person who signs it has personal knowledge of the  
10 facts stated. Defendants may rely on written records, but he must prove they are what defendants  
11 assert them to be. Defendants may rely on all or any part of responses to discovery propounded  
12 in this case, i.e., answers to interrogatories, admissions and deposition transcripts. If defendants  
13 fail to contradict plaintiff's evidence with counter-affidavits or other admissible evidence, the  
14 court may accept plaintiff's evidence as true and grant the motion. If there is good reason why  
15 such facts are not available to defendants when they are required to oppose a motion for summary  
16 judgment, the court will consider a request to postpone considering the motion. If defendants do  
17 not file a written opposition to the motion or a request to postpone consideration of it, the court  
18 may consider the failure to act as a waiver of opposition to the plaintiff's motion. If the court  
19 grants plaintiff's motion, whether opposed or unopposed, judgment will be entered for plaintiff  
20 without a trial and the case will be closed.

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

22 1. The hearing on plaintiff's motion for summary judgment (ECF Nos. 28, 31) is  
23 continued to June 1, 2016.

24 2. Defendants shall show cause, in writing, no later than May 18, 2016, why sanctions  
25 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
26 the pending motion.

27 3. Defendants shall file an opposition to the motion, or a statement of non-opposition  
28 thereto, no later than May 18, 2016.


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4. Failure of defendants to file an opposition to the motion will be deemed a statement of non-opposition thereto, and may result in a recommendation that plaintiff's motion be granted.

5. Plaintiff may file a reply to defendant's opposition, if any, on or before May 25, 2016.

6. Plaintiff's request for a telephonic appearance at the April 27, 2016 hearing is denied as moot.

DATED: April 21, 2016.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE