

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD E. CEARLEY,  
Plaintiff,  
v.  
WELLS FARGO BANK  
Defendant.

No. 2:15-cv-353-MCE-EFB PS

ORDER TO SHOW CAUSE

On June 13, 2016, defendant Wells Fargo Bank, N.A. filed a motion to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6), and noticed the motion for hearing on July 27, 2016. ECF No. 43. 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 June 15, 2016.

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.”

Local Rule 183, governing persons appearing in pro se, provides that failure to comply with the Federal Rules of Civil Procedure and Local Rules may be grounds for dismissal, judgment by default, or other appropriate sanctions. Local Rule 110 provides that failure to comply with the

1 Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by  
2 statute or Rule or within the inherent power of the Court.” *See also Ghazali v. Moran*, 46 F.3d  
3 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules is a proper ground for  
4 dismissal.”). Pro se litigants are bound by the rules of procedure, even though pleadings are  
5 liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

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

7 1. The hearing on defendant’s motion to dismiss (ECF No. 43) is continued to August 24,  
8 2016.

9 2. Plaintiff shall show cause, in writing, no later than August 10, 2016, why sanctions  
10 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
11 the pending motion.

12 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto,  
13 no later than August 10, 2016.

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

18 5. Defendant may file a reply to plaintiff’s opposition, if any, on or before August 17,  
19 2016.

20 DATED: July 20, 2016.

21   
22 EDMUND F. BRENNAN  
23 UNITED STATES MAGISTRATE JUDGE  
24  
25  
26  
27  
28