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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	CARLOS ESPINO,	No. 2:15-cv-00423 MCE AC (PS)
12	Plaintiff,	
13	V.	<u>ORDER</u>
14	WALLGREENS CO., et al.,	
15	Defendants.	
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17	On March 15, 2016, defendant filed a motion to dismiss plaintiff's Second Amended	
18	Complaint, noticing it to be heard on April 20, 2016. ECF No. 16. No opposition to the motion,	
19	and no statement of non-opposition, has been filed. This is the third time plaintiff has failed to	
20	file a timely response to a motion to dismiss. See ECF Nos. 9 (ordering plaintiff to respond to	
21	motion to dismiss the original complaint), 18 (ordering plaintiff to respond to motion to dismiss	
22	the first amended complaint).	
23	The Local Rules of this court provide that opposition to the granting of a motion must be	
24	filed fourteen (14) days preceding the noticed hearing date. E.D. Cal. R. ("Local Rule") 230(c).	
25	The Local Rules further provide that "[n]o party will be entitled to be heard in opposition to a	
26	motion at oral arguments if written opposition to the motion has not been timely filed by that	
27	party." Id. In addition, Local Rule 230(i) provides that failure to appear may be deemed	
28	withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 110	
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1	provides that failure to comply with the Local Rules or an order of the court "may be grounds for	
2	imposition of any and all sanctions authorized by statute or Rule or within the inherent power of	
3	the Court."	
4	Good cause appearing, IT IS HEREBY ORDERED that:	
5	1. The hearing date of April 20, 2016, is vacated. The hearing on defendant's motion to	
6	dismiss (ECF No. 53), is CONTINUED to May 11, 2016, at 10:00 a.m.;	
7	2. Plaintiff shall file his opposition to the motion, or a statement of non-opposition, no	
8	later than April 20, 2016, at 3:30 p.m. Failure to file an opposition or appear at the hearing will	
9	be deemed to be a statement of non-opposition, and/or a failure to prosecute, and may result in a	
10	recommendation that this action be dismissed; and	
11	3. Defendant shall file its reply, if any, no later than May 4, 2016, at 3:30 p.m.	
12	DATED: April 11, 2016	
13	allison claire	
14	UNITED STATES MAGISTRATE JUDGE	
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