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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRENCE LAMAR WILBURN,
Plaintiff,
v.
GARREN BRATCHER, et al.,
Defendants.

No. 2:15-cv-00699 TLN GGH

ORDER AND
ORDER TO SHOW CAUSE

Plaintiff is proceeding pro se in this action, referred to the undersigned pursuant to Local Rule 302(c)(21). Defendant Garren Bratcher’s motion to dismiss is presently noticed for hearing on the June 23, 2016 law and motion calendar of the undersigned. Opposition to motions, or a statement of non-opposition thereto, must be filed fourteen days preceding the noticed hearing date. E.D. Cal. L. R. 230(c). Court records reflect that plaintiff failed to file opposition or a statement of non-opposition to the motion on or before June 9, 2016 when it was due.

Failure to comply with the Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.” E.D. Cal. L. R. 110; see Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Additionally, “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition

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1 to the motion has not been timely filed.” E.D. Cal. L. R. 230(c).¹ Pro se litigants are bound by
2 the rules of procedure, even though pleadings are liberally construed in their favor. King v.
3 Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987), *overruled on other grounds* by Lacey v. Maricopa
4 County, 693 F.3d 896, 925 (9th Cir. 2012); Jacobsen v. Filler, 790 F.2d 1362, 1364-65 (9th
5 Cir.1986). The Local Rules specifically provide that cases of persons appearing in propria
6 persona who fail to comply with the Federal and Local Rules are subject to dismissal, judgment
7 by default, and other appropriate sanctions. E.D. Cal. L. R. 183.

8 Good cause appearing, IT IS HEREBY ORDERED that:

9 1. The hearing date of June 23, 2016 is vacated, and may, or may not, be reset after June
10 30, 2016.

11 2. Plaintiff shall show cause, in writing, no later than June 30, 2016 why sanctions should
12 not be imposed for failure timely to file opposition or a statement of non-opposition to the
13 pending motion.

14 3. Plaintiff is directed to file opposition, if any, to the motion, or a statement of non-
15 opposition thereto, no later than June 30, 2016. Failure to file opposition and appear at hearing, if
16 reset, or to file a statement of non-opposition, will be deemed a statement of non-opposition, and
17 shall result in a recommendation that certain defendants, or this entire action be dismissed.

18 Dated: June 16, 2016

19 /s/ Gregory G. Hollows

20 UNITED STATES MAGISTRATE JUDGE

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28 ¹ Moreover, failure to appear at hearing may be deemed withdrawal of opposition to a motion or
may result in sanctions. E.D. Cal. L. R. 230(i).