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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD PASCUAL and ANGELICA
PASCUAL,

Plaintiffs,

v.

SELECT PORTFOLIO SERVICING,
INC., and NATIONAL DEFAULT
SERVICING CORPORATION,

Defendants.

No. 2:15-cv-0907 KJM DAD PS

ORDER

This matter came before the court on June 5, 2015, for hearing of defendants’ motion to dismiss. Attorney Bao Vu appeared telephonically for the defendants. Despite being served with notice of the motion neither plaintiff filed a written opposition nor did they file a statement of non-opposition to defendants’ motion to dismiss. Moreover, neither plaintiff appeared at the hearing of the motion, nor did anyone appear on behalf of either plaintiff.

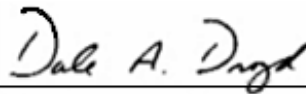
Pursuant to the Local Rules of Practice for the United States District Court for the Eastern District of California, opposition, if any, to the granting of a motion “shall be in writing and shall be filed and served not less than fourteen (14) days preceding the noticed (or continued) hearing date.” Local Rule 230(c). “No 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.” Id. Failure to

1 appear at the hearing of a properly noticed motion may be deemed withdrawal of any written
2 opposition that was timely filed, in the discretion of the court, or may result in the imposition of
3 sanctions. Local Rule 230(i). Failure of a party to comply with the Local Rules or any order of
4 the court “may be grounds for imposition by the Court of any and all sanctions authorized by
5 statute or Rule or within the inherent power of the Court.” Local Rule 110. Any individual
6 representing himself or herself without an attorney is bound by the Federal Rules of Civil
7 Procedure, the Local Rules, and all applicable law. Local Rule 183(a). Failure to comply with
8 applicable rules and law may be grounds for dismissal or any other sanction appropriate under the
9 Local Rules. Id.

10 Here, plaintiffs have failed to comply with Local Rule 230. In light of plaintiffs’ pro se
11 status, and in the interests of justice, the court will provide plaintiffs with an opportunity to show
12 good cause for their conduct along with a final opportunity to oppose defendants’ motion.

13 Accordingly, the court HEREBY ORDERS that plaintiffs show cause in writing within
14 fourteen days of the date of this order as to why this case should not be dismissed for lack of
15 prosecution.¹ Failure to timely file the required writing will result in a recommendation that this
16 case be dismissed.

17 Dated: June 9, 2015

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19 _____
20 DALE A. DROZD
21 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Alternatively, if plaintiffs no longer wish to pursue this civil action they may comply with this
28 order by filing a notice of voluntary dismissal pursuant to Rule 41 of the Federal Rules of Civil
Procedure.