

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

WAYNE D. SMITH,
Plaintiff,
v.
OFFICER JOHN GIOVANNINI, et al.,
Defendants.

No. 2:15-cv-1410 DB PS

ORDER

The parties have consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c)(1). (ECF No. 27.) On October 17, 2017, defendant John Giovannini filed a motion for summary judgment. (ECF No. 44.) The motion is noticed for hearing before the undersigned November 17, 2017. Pursuant to Local Rule 230(c) plaintiff was to file opposition or a statement of non-opposition to defendant’s motion “not less than fourteen (14) days preceding the noticed . . . hearing date.” Plaintiff, however, has failed to file a timely opposition or statement of non-opposition.

The failure of a party to comply with the Local Rules or any order of the court “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.” Local Rule 110. Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil Procedure, the Local Rules, and all applicable law. Local Rule 183(a). Failure to comply with applicable rules and law may be

1 grounds for dismissal or any other sanction appropriate under the Local Rules. Id.

2 In light of plaintiff's pro se status, and in the interests of justice, the court will provide
3 plaintiff with an opportunity to show good cause for plaintiff's conduct along with a final
4 opportunity to oppose defendant's motion.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. Plaintiff show cause in writing within fourteen days of the date of this order as to why
7 this case should not be dismissed for lack of prosecution¹;

8 2. The November 17, 2017 hearing of defendant's motion for summary judgment (ECF
9 No. 44) is continued to **Friday, December 22, 2017, at 10:00 a.m.**, at the United States District
10 Court, 501 I Street, Sacramento, California, in Courtroom No. 27, before the undersigned;

11 3. On or before **December 8, 2017**, plaintiff shall file a statement of opposition or non-
12 opposition to defendant's motion for summary judgment; and

13 4. Plaintiff is cautioned that the failure to timely comply with this order may result in this
14 case being dismissed.

15 Dated: November 9, 2017

16
17 
18 DEBORAH BARNES
19 UNITED STATES MAGISTRATE JUDGE
20
21
22

23 DLB:6
24 DB\orders\orders.consent\smith1410.osc.cont.hrg
25
26

27 ¹ Alternatively, if plaintiff no longer wishes to pursue this civil action, plaintiff may comply with
28 this order by filing a request for voluntary dismissal pursuant to Rule 41(a) of the Federal Rules
of Civil Procedure.