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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KARL F. WICHELMAN,  
  
Plaintiff,  
  
v.  
  
CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,  
  
Defendant.

No. 2:16-cv-1123-KJM-EFB PS

ORDER TO SHOW CAUSE

On December 8, 2016, defendant filed a motion to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(1). ECF No. 21. Thereafter, the court issued a minute order directing plaintiff to file an opposition to the motion on or before January 4, 2017.<sup>1</sup> ECF No. 22. The deadline has passed and plaintiff has not filed an opposition or statement of non-opposition to the pending motion.

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

<sup>1</sup> Pursuant to the scheduling order issued in this case, motions are to be submitted on the papers without oral argument. ECF No. 5 at 2. Accordingly, the motion was not noticed for hearing in accordance with Local Rule 230, and therefore the court issued a minute order establishing a briefing schedule for the motion.

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

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

8 1. Plaintiff shall show cause, in writing, no later than February 8, 2017, why sanctions  
9 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
10 the pending motion.

11 2. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto,  
12 no later than February 8, 2017.

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

17 4. Defendant may file a reply to plaintiff’s opposition, if any, on or before February 15,  
18 2017.

19 DATED: January 23, 2017.

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21 EDMUND F. BRENNAN  
22 UNITED STATES MAGISTRATE JUDGE  
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