UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES LEWIS BOBO,

Plaintiff,

v.

NANCY A. BERRYHILL, Acting Commissioner of Social Security,

Defendant.

No. 2:16-cv-2337-EFB

ORDER

On July 12, 2017, defendant filed a motion to dismiss plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 14. Thereafter, plaintiff was ordered to file an opposition or statement of non-opposition to defendant's motion by August 11, 2017. ECF No. 16. To date, plaintiff has not complied with the court's order.

Local Rule 110 provides that failure to comply with court orders "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." *See also Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1065 (9th Cir. 2004) (failure to comply with court orders may be grounds for dismissal pursuant to Federal Rule of Civil Procedure 41(b)). Pro se litigants are bound by the rules of procedure, even though pleadings are liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

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Accordingly, it is hereby ORDERED that:

1. Plaintiff shall show cause, in writing, no later than February 2, 2018, why sanctions should not be imposed for failure to timely file an opposition or a statement of non-opposition to the pending motion.

2. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto, no later than February 2, 2018.

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

4. Defendant may file a reply to plaintiff's opposition, if any, on or before February 16, 2018.

DATED: January 16, 2018.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE