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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 E. DRAKE,

12 Plaintiffs,

13 v.

14 THE NIELLO COMPANY, NIELLO
15 IMPORTS OF ROCKLIN, INC., NIELLO
16 PERFORMANCE MOTORS INC.,
NIELLO MOTOR CAR COMPANY,
AND SHIPPING EXPERTS INC.,

17 Defendants.
18

No. 2:17-cv-1036-JAM-EFB PS

ORDER AND ORDER TO SHOW CAUSE

19 On May 24, 2017, defendants filed a motion for judgment on the pleadings pursuant to
20 Federal Rule of Civil Procedure 12(c), and noticed the motion for hearing on June 28, 2017. ECF
21 No. 83. Court records reflect that plaintiff has not filed an opposition or statement of non-
22 opposition to the motion.

23 Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of
24 non-opposition thereto, must be served upon the moving party, and filed with this court, no later
25 than fourteen days preceding the noticed hearing date or, in this instance, by June 14, 2017.

26 Local Rule 230(c) further provides that “[n]o party will be entitled to be heard in opposition to a
27 motion at oral arguments if opposition to the motion has not been timely filed by that party.”

28 Local Rule 183, governing persons appearing in pro se, provides that failure to comply with the

1 Federal Rules of Civil Procedure and Local Rules may be grounds for dismissal, judgment by
2 default, or other appropriate sanctions. Local Rule 110 provides that failure to comply with the
3 Local Rules “may be grounds for imposition by the Court of any and all sanctions authorized by
4 statute or Rule or within the inherent power of the Court.” *See also Ghazali v. Moran*, 46 F.3d
5 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules is a proper ground for
6 dismissal.”). Pro se litigants are bound by the rules of procedure, even though pleadings are
7 liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

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

9 1. The hearing on defendants’ motion for judgment on the pleadings (ECF No. 83) is
10 continued to August 9, 2017.

11 2. Plaintiff shall show cause, in writing, no later than July 26, 2017, why sanctions should
12 not be imposed for failure to timely file an opposition or a statement of non-opposition to the
13 pending motion.

14 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto,
15 no later than July 26, 2017.

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

20 5. Defendants may file a reply to plaintiff’s opposition, if any, on or before August 2,
21 2017.

22 DATED: June 20, 2017.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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