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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REVEREND HEIDI LEPP, et al.,  
Plaintiffs,  
v.  
YUBA COUNTY, et al.,  
Defendants.

No. 2:17-cv-1317-KJM-EFB PS

ORDER AND ORDER TO SHOW CAUSE

Defendants Michael Vroman and Yolo County Sheriff’s Department filed a motion to strike plaintiff’s supplemental complaint pursuant to Federal Rule of Civil Procedure 12(f), and noticed their motion for hearing on September 19, 2018.<sup>1</sup> ECF Nos. 111. Court records reflect that plaintiffs have not filed an opposition or statement of non-opposition to the motion.

Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date or, in this instance, by September 5, 2018. Local Rule 230(c) further provides that “[n]o 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.”

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<sup>1</sup> Several defendants have filed joinders in the motion to strike. ECF Nos. 112, 113, 114, 116.

1 Local Rule 183, governing persons appearing in pro se, provides that failure to comply with the  
2 Federal Rules of Civil Procedure and Local Rules may be grounds for dismissal, judgment by  
3 default, or other appropriate sanctions. Local Rule 110 provides that failure to comply with the  
4 Local Rules “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.” *See also Ghazali v. Moran*, 46 F.3d  
6 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules is a proper ground for  
7 dismissal.”). Pro se litigants are bound by the rules of procedure, even though pleadings are  
8 liberally construed in their favor. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987).

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

10 1. The hearing on defendants Vroman and Yolo County Sheriff’s Department’s motion to  
11 strike (ECF No. 111) is continued to October 24, 2018 at 10:00 a.m. in Courtroom No. 8.

12 2. Plaintiffs shall show cause, in writing, no later than October 10, 2018, why sanctions  
13 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
14 defendant’s motion.

15 3. Plaintiffs shall file an opposition to the motion, or a statement of non-opposition  
16 thereto, no later than October 10, 2018.

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

21 5. Defendants may file a reply to plaintiffs’ opposition, if any, on or before October 17,  
22 2018.

23 DATED: September 17, 2018.

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25 EDMUND F. BRENNAN  
26 UNITED STATES MAGISTRATE JUDGE  
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