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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-GEB-EFB PS

ORDER AND ORDER TO SHOW CAUSE

Defendants the County of Yuba, Jeremy Strang, Lori Ajax, and Michael Vroman have moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(6). ECF Nos. 23, 24, 26. Defendant Vroman also moves to strike all unrepresented plaintiffs pursuant to Rule 12(f) (ECF No. 26), and defendant Chris Monaco moves to set aside the entry of his default (ECF No. 21). These motions, as well as plaintiffs’ motions for injunctive relief, are currently set for hearing on October 4, 2017. Court records reflect, however, that plaintiffs have not filed an opposition or statement of non-opposition to defendants’ motions.

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 20, 2017. 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.”

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 defendant Monaco’s motion to set aside default (ECF No. 21),  
11 defendants Yuba County, Strang, Ajax, and Vroman’s motions to dismiss, (ECF No. 23, 24, 26),  
12 Vroman’s motion to strike (ECF No. 26), and plaintiff’s motions for injunctive relief (ECF No.  
13 11, 12) is continued to November 22, 2017 at 10:00 a.m. in Courtroom No. 8.

14 2. Plaintiffs shall show cause, in writing, no later than November 8, 2017, why sanctions  
15 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
16 the pending motion.

17 3. Plaintiffs shall file an opposition to the motions, or a statement of non-opposition  
18 thereto, no later than November 8, 2017.

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

23 5. Defendants may file a reply to plaintiffs’ oppositions, if any, on or before November  
24 15, 2017.

25 DATED: September 28, 2017.

26   
27 EDMUND F. BRENNAN  
28 UNITED STATES MAGISTRATE JUDGE