

1 Eastern District Local Rule 110 provides that “[f]ailure of counsel or of a party to comply
2 with these Rules or with any order of the Court may be grounds for imposition by the Court of
3 any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

4 Moreover, Eastern District Local Rule 183(a) provides, in part:

5 Any individual representing himself or herself without an attorney
6 is bound by the Federal Rules of Civil or Criminal Procedure, these
7 Rules, and all other applicable law. All obligations placed on
8 “counsel” by these Rules apply to individuals appearing in propria
9 persona. Failure to comply therewith may be ground for dismissal,
10 judgment by default, or any other sanction appropriate under these
11 Rules.

12 See also King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987) (“Pro se litigants must follow the
13 same rules of procedure that govern other litigants”) (overruled on other grounds). Case law is in
14 accord that a district court may impose sanctions, including involuntary dismissal of a plaintiff’s
15 case pursuant to Federal Rule of Civil Procedure 41(b), where that plaintiff fails to prosecute his
16 or her case or fails to comply with the court’s orders, the Federal Rules of Civil Procedure, or the
17 court’s local rules. See Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991) (recognizing that a
18 court “may act sua sponte to dismiss a suit for failure to prosecute”); Hells Canyon Preservation
19 Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (stating that courts may dismiss
20 an action pursuant to Federal Rule of Civil Procedure 41(b) sua sponte for a plaintiff’s failure to
21 prosecute or comply with the rules of civil procedure or the court’s orders); Ghazali v. Moran, 46
22 F.3d 52, 53 (9th Cir. 1995) (per curiam) (“Failure to follow a district court’s local rules is a
23 proper ground for dismissal”); Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992)
24 (“Pursuant to Federal Rule of Civil Procedure 41(b), the district court may dismiss an action for
25 failure to comply with any order of the court”); Thompson v. Housing Auth. of City of L.A., 782
26 F.2d 829, 831 (9th Cir. 1986) (per curiam) (stating that district courts have inherent power to
27 control their dockets and may impose sanctions including dismissal or default).

28 Given plaintiffs’ pro se status, the court does not recommend granting the motion for
summary judgment at this time. Instead, the court will provide an additional opportunity for
plaintiff to either respond to defendants’ motion for summary judgment, or to file a statement of

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1 non-opposition to defendant's motion.¹ Plaintiff should observe Local Rule 260 regarding her
2 opposition to the motion for summary judgment.² Any further failure by plaintiff to oppose will
3 be construed as non-opposition to defendant's motion.

4 **ORDER**

5 IT IS HEREBY ORDERED that:

- 6 1. The August 13, 2020 hearing on defendants' motion (ECF No. 61) is VACATED;
- 7 2. Plaintiff shall file a written opposition to the motion for summary judgment, or a
8 statement of non-opposition thereto, on or before August 27, 2020. Plaintiff's
9 failure to file a written opposition will be deemed a statement of non-opposition to
10 the pending motion and consent to the granting of the motion, and may constitute
11 an additional ground for the imposition of appropriate sanctions; and
- 12 3. Defendant may file a written reply to plaintiff's opposition on or before September
13 3, 2020. Thereafter, the court will take this matter under submission without a
14 hearing.

15 Dated: August 4, 2020

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17 _____
18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

20 stew.2418

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22 ¹ Given the court is under restricted access due to the current health crisis (See General Order
23 612), plaintiff may submit her filing by mail. Should plaintiff wish to submit her opposition in
24 person at the court, she is advised to bring a copy of this order with her—as the current general
25 order restricts public access to the facilities.

26 ² The Local Rules of the Eastern District of California are available on the court's website, at
27 <http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>
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