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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID ANTHONY AVILA,
Plaintiff,
v.
M.D. McMAHON, et al.,
Defendants.

No. 2:18-cv-00163 JAM AC (PS)

ORDER

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned by Local Rule 302(c)(21). On November 13, 2018, defendant filed a motion to dismiss (ECF No. 48) and a motion to strike (ECF No. 49). Plaintiff has not responded to either motion.


Local Rule 230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Local Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The motion hearing date of December 19, 2018 is CONTINUED to January 9, 2019, at 10:00 a.m. in Courtroom No. 26;
2. Plaintiff shall file an opposition – or a Statement of Non-Opposition – to each motion, no later than December 26, 2018. Failure to file an opposition or to appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

DATED: December 7, 2018



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE