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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIM PFARR,  
  
Plaintiff,  
  
v.  
  
UNITED STATES OF AMERICA,  
  
Defendant.

No. 2:18-cv-1710-MCE-EFB PS

ORDER TO SHOW CAUSE

Defendant filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1), which is noticed for hearing on July 18, 2018.<sup>1</sup> ECF No. 4. Court records reflect plaintiff has 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 July 5, 2018. *See* Fed. R. Civ. P. 6(a)(1)(C). 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.” Local Rule 183, governing persons appearing in pro se, provides that failure to comply with the Federal Rules of Civil Procedure and Local Rules may be grounds for

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<sup>1</sup> This case, in which plaintiff is proceeding pro se, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1).

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

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

9 1. The hearing on defendant’s motions to dismiss (ECF No. 4) is continued to August 15,  
10 2018 at 10:00 a.m. in Courtroom No. 8.

11 2. Plaintiff shall show cause, in writing, no later than August 1, 2018, why sanctions  
12 should not be imposed for failure to timely file an opposition or a statement of non-opposition to  
13 defendant’s motion to dismiss.

14 3. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto,  
15 no later than August 1, 2018.

16 4. Failure 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 action be dismissed for lack of  
18 prosecution and/or for failure to comply with court orders and this court’s Local Rules. *See Fed.*  
19 *R. Civ. P. 41(b)*.

20 5. Defendant may file a reply to plaintiff’s opposition, if any, on or before August 8,  
21 2018.

22 DATED: July 12, 2018.

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24 EDMUND F. BRENNAN  
25 UNITED STATES MAGISTRATE JUDGE  
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