

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Alexander Kendal Foster-Dawson,
Plaintiff,
v.
State of California, County of Alameda,
Defendants.

No. C 15-3154 CRB

**ORDER DISMISSING THE
COMPLAINT WITHOUT
PREJUDICE**

Plaintiff Alexander Foster-Dawson, a pro se litigant, filed this 42 U.S.C. § 1983 action against the County of Alameda and the State of California. See Complaint (dkt. 1). Both Defendants moved to dismiss, see County Motion to Dismiss (dkt. 10); State Motion to Dismiss (dkt. 27), and Foster-Dawson was properly served, see County Certificate of Service (dkt. 15); State Certificate of Service (dkt. 27-1). This Court ordered Foster-Dawson to respond to the County’s motion by August 12, 2015, and the State’s motion by September 22, 2015. See Memo Entry (dkt. 10); Memo Entry (dkt. 27). Foster-Dawson has failed to respond. Defendants filed and properly served Foster-Dawson with a case management statement notifying him of his failure to follow the Court’s prior orders. See Case Management Statement (dkt. 32); Certificate of Service (dkt. 32-1). Foster-Dawson again failed to take any action to prosecute the case.

Although "pro se litigants . . . are held to a lesser pleading standard than other parties, they are still bound by the federal and local rules and cannot simply ignore a motion filed by

1 the opposing party." See Dr. JKL Ltd. v. HPC IT Educ. Ctr., 749 F. Supp. 2d 1038, 1048
2 (N.D. Cal. 2010) (citing Civil L.R. 3-9(a)); Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995)
3 ("Failure to follow a district court's local rules is a proper ground for dismissal."). Under this
4 Court's Local Rules, a "person representing him or herself without an attorney is bound by
5 the Federal Rules, as well as by all applicable local rules. Sanctions (including default or
6 dismissal) may be imposed for failure to comply with local rules." See Civil L.R. 3-9(a).
7 Here, despite receiving multiple notices of his need to file an opposition to Defendants'
8 motions, Foster-Dawson has failed to comply with both this Court's deadlines and the
9 deadlines outlined in the Local Rules. See Civil L.R. 7-3(a). The Court thus DISMISSES
10 Foster-Dawson's complaint WITHOUT PREJUDICE and VACATES the hearing set for
11 November 13, 2015.

12 **IT IS SO ORDERED.**

14 Dated: November 9, 2015



15 _____
16 CHARLES R. BREYER
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28