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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 THOMAS STEFAN,

7 Plaintiff,

8 vs.

9 WACHOVIA WORLD SAVINGS, et al.,

10 Defendants.

Case No: C 09-2252 SBA

ORDER

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12 Defendant Wachovia World Savings' motion to dismiss (Docket 7) and motion to strike
13 (Docket 9) are set for hearing on July 28, 2009. Under Civil Local Rule 7-3(a), any opposition or
14 statement of non-opposition to a noticed motion is due 21 days before the hearing date. As such,
15 Plaintiff's responses to the motions were due by July 14, 2009. Plaintiff has filed nothing in
16 response to either motion or otherwise communicated with the Court. The Court's standing orders
17 specify that the failure to oppose a motion may be construed as a consent to the granting of the
18 motion. Thus, the Court could, in its discretion, could grant Defendant's motions and close this
19 case. See Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995); Ferdik v. Bonzelet, 963 F.2d 1258,
20 1260-61 (9th Cir. 1992). However, in consideration of less drastic alternatives to dismissal, the
21 Court sua sponte grants Plaintiff an additional opportunity to file his opposition briefs. Plaintiff
22 should be aware that although he is representing himself in this action, he is expected to comply
23 with all applicable procedural rules. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987).
24 Accordingly,

25 IT IS HEREBY ORDERED THAT Plaintiff shall have until **July 22, 2009** to file his
26 opposition briefs in response to Defendant's motion to dismiss and motion to strike. **PLAINTIFF**
27 **IS WARNED THAT THE FAILURE TO COMPLY WITH THIS ORDER WILL RESULT**
28 **IN THE DISMISSAL OF THIS ACTION, WITH PREJUDICE.** In the event Plaintiff timely

1 responds to the motions, Defendant shall file a reply by no later than **July 29, 2009**. The July 28,
2 2009 hearing date is **VACATED** pending further order of the Court. Pursuant to Federal Rule of
3 Civil Procedure 78(b), the Court may resolve the instant motions without oral argument. The
4 parties will be notified in the event the motions are rescheduled for hearing.

5 IT IS SO ORDERED.

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7 Dated: July 15, 2009


8 Hon. Sandra Brown Armstrong
9 United States District Judge

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