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

6 JAMES KARIM MUHAMMAD,

7 Plaintiff,

8 vs.

9 PEOPLE OF CALIFORNIA, et al.,

10 Defendants.

Case No: C 10-1449 SBA

**ORDER DENYING DEFENDANTS'  
MOTION TO STRIKE; ORDER  
SETTING BRIEFING SCHEDULE**

Dkt. 50

11  
12 On June 30, 2010, Defendants Jeffrey Stark, Bob Conner, and Cynthia Cornejo  
13 (erroneously sued herein as Cynthia “Conejo”) (collectively, “Defendants”) filed a Second  
14 Amended Motion to Dismiss Plaintiff’s complaint in this matter. A hearing on that motion was  
15 scheduled for October 5, 2010. Under Civil Local Rule 7-3(a), Plaintiff’s opposition was due  
16 twenty-one days before the hearing, or on September 14, 2010. Plaintiff, who is proceeding  
17 pro se, filed his opposition on September 22, 2010.

18 Instead of filing a reply to Plaintiff’s late-filed opposition, Defendants filed the instant  
19 Motion to Strike Plaintiff’s opposition as being untimely. Defendants contend that they will be  
20 prejudiced if Plaintiff’s untimely opposition is considered absent a reply by Defendants. In  
21 order to avoid any such prejudice, and to allow for full briefing on the motion, Defendants are  
22 directed to file a reply to Plaintiff’s late-filed opposition to their motion to dismiss.

23 Nevertheless, Plaintiff is specifically advised that pro se parties are obligated to follow  
24 the same rules as represented parties. See King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987)  
25 (finding that pro per litigants must follow the same procedural rules as represented parties).  
26 Self-representation is not an excuse for non-compliance with court rules. See Swimmer v.  
27 I.R.S., 811 F.2d 1343, 1344 (9th Cir. 1987) (“[i]gnorance of court rules does not constitute  
28 excusable neglect, even if the litigant appears pro se.”) (citation omitted). The failure to

1 comply with the Federal Rules of Civil Procedure, the Local Rules of the Court or any Court  
2 Order is grounds for dismissal of this action under Federal Rule of Civil Procedure 41(b). See  
3 Ferdick v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

4 IT IS HEREBY ORDERED THAT:


5 1. Defendants' Motion to Strike (Dkt. 50) is DENIED.

6 2. Defendants shall file a reply to Plaintiff's opposition to their motion to dismiss  
7 by no later than March 4, 2011. This matter will be deemed submitted on the deadline for  
8 filing a reply. No further briefing will be permitted.

9 3. This Order terminates Docket 50.

10 IT IS SO ORDERED.

11 Dated: February 25, 2011

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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