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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JESSICA LYNN WOFFORD,
Plaintiff,
vs.
LANCE HAMILTON, et al.,
Defendants.

Case No: C 13-2467 SBA
ORDER
Docket 10, 14, 16, 18, 19

On June 3, 2013, Plaintiff Jessica Lynn Wofford ("Plaintiff"), proceeding pro se, commenced the instant action. See Compl., Dkt. 1. On July 30, 2013, Plaintiff filed a first amended complaint ("FAC") against various Defendants¹ alleging federal and state law claims arising out of her arrest on February 16, 2013 following a traffic stop. See FAC, Dkt. 11.² On August 21, 2013, Defendants Robert Crone, Krista LeVier, Victoria Adams (erroneously sued as Victoria Addams), Michael Lunas, Andrew Blum, Stephen Hedstrom, Arthur Mann and David Herrick filed a motion to dismiss the FAC. Dkt. 16. On that same date, Defendants Lance Hamilton, Jason Finley, Daniel Flesch, and John Langan also filed

¹ The Defendants include, among others, several law enforcement officers and state court judges.

² On July 31, 2013, Defendants Joseph Eastham (erroneously sued as Frederick Eastham) and Jason Ferguson filed a motion to dismiss the complaint. Dkt. 10. On that same date, Defendants Lance Hamilton, Jason Finley, and John Langan filed a motion to dismiss the complaint. Dkt. 14. However, because Plaintiff filed her FAC within 21 days after serving these Defendants as permitted by Rule 15 of the Federal Rules of Civil Procedure, Fed.R.Civ.P. 15(a)(1)(A), Defendants' motions to dismiss the complaint are DENIED as MOOT.

1 a motion to dismiss the FAC. Dkt. 18. On August 26, 2013, Defendants Joseph Eastham
2 and Jason Ferguson filed a motion to dismiss the FAC. Dkt. 19.

3 Under Civil Local Rule 7-3, any opposition or statement of non-opposition to a
4 motion is due no later than two weeks after the motion was filed. This Court's Standing
5 Orders specifically warn that the "failure of the opposing party to file a memorandum of
6 points and authorities in opposition to any motion shall constitute a consent to the granting
7 of the motion." Civil Standing Orders at 4, Dkt. 2-1. Notwithstanding the requirements of
8 Civil Local Rule 7-3 and this Court's Standing Orders, Plaintiff has filed nothing in
9 response to the motions to dismiss the FAC.

10 The Court warns Plaintiff that the failure to file a response to the motions to dismiss
11 the FAC (Dkt. 16, 18, 19) within seven (7) days from the date this Order is filed will result
12 in the dismissal of this action under Rule 41(b) of the Federal Rules of Civil Procedure for
13 failure to comply with a Court Order. See Hells Canyon Preservation Council v. U.S.
14 Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that a district court may
15 dismiss an action pursuant to Rule 41(b) sua sponte for a plaintiff's failure to prosecute or
16 comply with a court order); Ferdick v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992) (a
17 district court may dismiss an action for failure to comply with any order of the court).

18 Accordingly,

19 IT IS HEREBY ORDERED THAT:

20 1. The motions to dismiss the complaint are DENIED as MOOT. The October
21 1, 2013 hearing on the motions to dismiss the complaint is VACATED.

22 2. Plaintiff shall file a response to the motions to dismiss the FAC by no later
23 than seven days (7) from the date this Order is filed. Plaintiff's failure to comply with this
24 Order will result in the dismissal of this action under Rule 41(b). The October 8, 2013
25 hearing on the motions to dismiss the FAC is VACATED. In the event Plaintiff timely
26 responds to Defendants' motions to dismiss the FAC, Defendants may file reply briefs by
27 no later than seven (7) days after the date Plaintiff's responses are due. Upon the expiration
28 of the briefing schedule, the Court will take the matter under submission.

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3. This Order terminates Docket 10 and Docket 14.

IT IS SO ORDERED.

Dated: 9/30/2013


SAUNDRA BROWN ARMSTRONG
United States District Judge