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

7 ALI ALAWI,

8 Plaintiff,

9 vs.

10 AMCO INSURANCE COMPANY, a  
11 CALIFORNIA Corporation, DOES 1-50,  
inclusive,

12 Defendants.

Case No: C 13-3353 SBA

**ORDER**

Docket 9

13  
14 On October 9, 2012, Plaintiff Ali Alawi ("Plaintiff") commenced the instant action  
15 against Defendant AMCO Insurance Company ("Defendant") in the Superior Court of  
16 California, County of Alameda, alleging a claim for breach of contract. Compl., Dkt. 1.  
17 On July 18, 2013, the action was removed to this Court based on diversity jurisdiction.  
18 Notice of Removal, Dkt. 1. On July 25, 2013, Defendant filed a motion to dismiss and a  
19 motion to strike the complaint. Dkt. 9. On July 29, 2013, the action was reassigned to the  
20 undersigned. Dkt. 12. On July 30, 2013, Defendant renoticed its motion to dismiss and  
21 motion to strike, which is currently set for hearing on October 1, 2013. Dkt. 15.

22 Under Civil Local Rule 7-3, any opposition or statement of non-opposition to a  
23 motion is due no later than two weeks after the filing of the motion. This Court's Standing  
24 Orders specifically warn that the "failure of the opposing party to file a memorandum of  
25 points and authorities in opposition to any motion shall constitute a consent to the granting  
26 of the motion." Civil Standing Orders at 5, Dkt. 13. Notwithstanding the requirements of  
27 Civil Local Rule 7-3 and this Court's Standing Orders, Plaintiff has filed nothing in  
28 response to Defendant's motion to dismiss and motion to strike the complaint.

1           The Court warns Plaintiff that the failure to file a response to Defendant's motion to  
2 dismiss and motion to strike the complaint (Dkt. 9) within seven (7) days from the date this  
3 Order is filed will result in the dismissal of this action under Rule 41(b) of the Federal  
4 Rules of Civil Procedure for failure to comply with a Court Order. See Hells Canyon  
5 Preservation Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) (recognizing  
6 that a district court may dismiss an action pursuant to Rule 41(b) sua sponte for a plaintiff's  
7 failure to prosecute or comply with a court order); Ferdick v. Bonzelet, 963 F.2d 1258,  
8 1260 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with any  
9 order of the court).

10           Accordingly,

11           IT IS HEREBY ORDERED THAT:

12           1.       Plaintiff shall file a response to Defendant's motion to dismiss and motion to  
13 strike the complaint by no later than seven days (7) from the date this Order is filed.  
14 Plaintiff's failure to comply with this Order will result in the dismissal of this action under  
15 Rule 41(b).

16           2.       The October 1, 2013 hearing is VACATED. In the event Plaintiff timely  
17 responds to Defendant's motion to dismiss and motion to strike the complaint, Defendant  
18 may file a reply brief by no later than seven (7) days after the date Plaintiff's response is  
19 due. Upon the expiration of the briefing schedule, the Court will take the matter under  
20 submission.

21           IT IS SO ORDERED.

22 Dated: 9/30/2013

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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