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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CENIT M. HERNANDEZ,

Plaintiff,

vs.
B&H PUBLISHING GROUP, a division
of Lifeway Christian Resources, a
Tennessee Corporation,

Defendant.

CASE NO. 10cv⁹⁸⁷ WQH (AJB)
ORDER

HAYES, Judge:

On May 7, 2010, Plaintiff Cenit M. Hernandez, proceeding *pro se*, initiated this action by filing his Complaint. (Doc. # 1). On June 2, 2010, Defendant B&H Publishing Group filed its Motion to Dismiss. (Doc. # 6). The motion was calendared for July 6, 2010. *See id.* Pursuant to Local Civil Rule 7.1.e.2, Plaintiff's opposition was due on June 22, 2010. To date, Plaintiff has not filed an opposition. A district court may properly grant an unopposed motion to dismiss pursuant to a local rule where the local rule permits, but does not require, the granting of a motion for failure to respond. *See Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Pursuant to Local Civil Rule 7.1.f.3.c, "[i]f an opposing party fails to file the papers in the manner required by Civil Local Rule 7.1.e.2, that failure may constitute a consent to the granting of the motion or other request for ruling by the court."

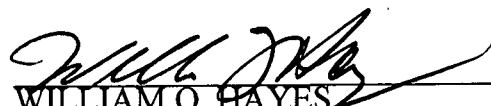
"Although there is ... a [public] policy favoring disposition on the merits, it is the

1 responsibility of the moving party to move towards that disposition at a reasonable pace, and
2 to refrain from dilatory and evasive tactics.” *In re Eisen*, 31 F.3d 1447, 1454 (9th Cir. 1994)
3 (affirming grant of motion to dismiss for failure to prosecute); *see also Steel v. City of San*
4 *Diego*, No. 09cv1743, 2009 WL 3715257, at *1 (S.D. Cal., Nov. 5, 2009) (dismissing action
5 pursuant to Local Rule 7.1 for plaintiff’s failure to respond to a motion to dismiss). The Court
6 concludes that “the public’s interest in expeditious resolution of litigation,” “the court’s need
7 to manage its docket,” and “the risk of prejudice to the defendants” weigh in favor of granting
8 the Motion to Dismiss for failure to file an opposition. *Ghazali*, 46 F.3d at 53.

9 IT IS HEREBY ORDERED that the Motion to Dismiss (Doc. # 6) is **GRANTED**. The
10 Complaint is **DISMISSED** without prejudice. Plaintiff may file a motion for leave to amend
11 within thirty days of the date of this order. Plaintiff must obtain a hearing date by calling
12 chambers prior to filing the motion. If Plaintiff fails to file a motion within thirty days, the
13 Court will close the case.

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DATED: 7/14/10


WILLIAM Q. HAYES
UNITED STATES DISTRICT JUDGE