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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 ROWENA HUI,

12 Plaintiff,

13 v.

14 SOCIAL SECURITY
15 ADMINISTRATION,

16 Defendant.

Case No.: 17cv776-CAB-RBB

**ORDER GRANTING MOTION TO
DISMISS [Doc. No. 2]**

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18 On April 25, 2017, defendant Social Security Administration/United States of
19 America filed a motion to dismiss. [Doc. No. 2.] More than six weeks have passed, and
20 plaintiff has not filed an opposition.

21 Civil Local Rule 7.1.e.2. requires a party opposing a motion to file an opposition or
22 statement of non-opposition within fourteen calendar days of the noticed hearing. Failure
23 to comply with these rules “may constitute a consent to the granting of a motion.” Civ.
24 Local R. 7.1.f.3.c. District courts have broad discretion to enact and apply local rules,
25 including dismissal of a case for failure to comply with the local rules. *Ghazali v. Moran*,
26 46 F.3d 52, 53 (9th Cir.1995) (affirming grant of an unopposed motion to dismiss under
27 local rule by deeming a pro se litigant’s failure to oppose as consent to granting the
28 motion). Before dismissing an action for failure to comply with local rules, the district

1 court “weigh[s] several factors: ‘(1) the public’s interest in expeditious resolution of
2 litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the
3 defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the
4 availability of less drastic sanctions.’” *Ghazali*, 46 F.3d at 53 (*quoting Henderson v.*
5 *Duncan*, 779 F.2d 1421, 1423 (9th Cir.1986)). That plaintiff is proceeding pro se in this
6 action does not excuse her failure to follow the rules of procedure that govern other
7 litigants. *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) (“Pro se litigants must follow
8 the same rules of procedure that govern other litigants.”).

9 Here, defendant attached a proof of service to its motion, signaling that plaintiff
10 was served at the address provided on the face of her complaint. [Doc. No. 2-2.]
11 Moreover, plaintiff was provided adequate time to prepare a response. The notice of
12 motion set a hearing for May 30, 2017, resulting in a response deadline for plaintiff of
13 May 16, 2017, approximately three weeks after defendant’s motion was filed on April 25,
14 2107. Almost one month has passed since then and still plaintiff has not filed an
15 opposition. Thus, the Court finds that “the public’s interest in expeditious resolution of
16 litigation,” “the court’s need to manage its docket,” and “the risk of prejudice to the
17 defendant” all weigh in favor of granting the motion to dismiss. *See Ghazali*, 46 F.3d at
18 53. Accordingly, the majority of the *Ghazali* factors weigh in favor of dismissal.

19 In light of the foregoing, it is hereby **ORDERED** that defendant’s motion to
20 dismiss [Doc. No. 2] is **GRANTED**. It is further **ORDERED** that the case is
21 **DISMISSED WITHOUT PREJUDICE**.

22 It is **SO ORDERED**.

23 Dated: June 12, 2017



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25 Hon. Cathy Ann Bencivengo
26 United States District Judge
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