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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NAVNEET SHARDA, M.D.,

Plaintiff(s),

v.

SUNRISE HOSPITAL AND MEDICAL
CENTER, LLC, et al.,

Defendant(s).

Case No. 2:16-CV-2233 JCM (GWF)

ORDER

Presently before this court is defendant Nevada State Board of Medical Examiners' motion to dismiss. (ECF No. 27). Although this court granted a stipulation on December 23, 2016, for an extension of time for plaintiff Navneet Sharda to respond to the motion, plaintiff submitted no timely response. (ECF No. 34).

The local rules have the force of law. See *United States v. Hvass*, 355 U.S. 570, 574–575 (1958). Under Local Rule 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion . . . constitutes a consent to the granting of the motion.” The Ninth Circuit instructs that a district court must weigh several factors before granting a motion filed pursuant to Federal Rule of Civil Procedure 12 because a party failed to comply with a local rule: “(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases o[n] their merits; and (5) the availability of less drastic sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)) (discussing a Nevada local rule construing a failure to oppose a motion as effectively consenting to the granting of that motion); see also *Martinez v. Stanford*, 323 F.3d 1178, 1183 (9th Cir. 2003)

1 (indicating that Ghazali provides the applicable rule for evaluating a Rule 12 motion to dismiss in
2 light of a local rule authorizing dismissal).

3 This court finds that granting defendant's motion to dismiss would protect the public's
4 interest in the expeditious resolution of litigation. See Ghazali, 46 F.3d at 53. This court also finds
5 that granting defendant's motion to dismiss would permit the court to effectively manage its
6 docket. See id. Additionally, defendant would be prejudiced if the court did not rule on the present
7 motion because it would be forced to wait for plaintiff—who initiated this case—to resolve the
8 present action. See id.

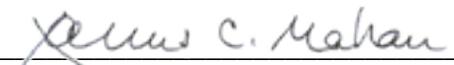
9 This court acknowledges the public policy favoring the disposition of cases on their merits.
10 See id. However, dismissal is appropriate in this circumstance because several months have
11 elapsed since the expiration of plaintiff's response deadline, and plaintiff has yet to file an
12 opposition to defendant's motion to dismiss. See (ECF No. 34).

13 Weighing the Henderson factors, this court finds that defendant's motion to dismiss will
14 be granted pursuant to Local Rule 7-2(d). See Ghazali, 46 F.3d at 53.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Nevada State
17 Board of Medical Examiners' motion to dismiss (ECF No. 27) be, and the same hereby is,
18 GRANTED.

19 DATED July 18, 2017.

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22 UNITED STATES DISTRICT JUDGE
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