

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KHANH M. LE,

11 Plaintiff,

12 v.

13 SACRAMENTO COUNTY SHERIFF J.  
14 BARBALE #0374, COUNTY OF  
SACRAMENTO OFFICE OF THE  
15 PUBLIC DEFENDER ERIC HANDLER,

16 Defendants.

CASE NO. C13-694MJP

ORDER DISMISSING DEFENDANT  
ERIC HANDLER

17 This matter comes before the Court on the motion to dismiss filed by Defendant Eric  
18 Handler. (Dkt. No. 17.) Having reviewed the motion and the remaining record, the Court hereby  
19 GRANTS Defendant Handler's motion and orders that Defendant Handler is DISMISSED from  
20 this action.

21 Proceedings in this Court are governed by this district's local rules. See Local Rules  
22 W.D. Wash. Local Rule LCR 7(b) describes the requirements for parties to a case when a motion  
23 is filed. Id. Specifically, LCR 7(b)(2) explains that a party opposing a motion must file a brief in  
24


1 opposition to the motion, and that the failure to file papers in opposition to the motion “may be  
2 considered the by the court as an admission that the motion has merit.” LCR 7(b)(2).

3 Here, Defendant Handler’s motion was filed on June 19, 2013. Pursuant to Local Rule  
4 7(d)(3), Plaintiff’s opposition brief was due on Monday, July 8, 2013. Nothing was filed before  
5 that date. The material that Plaintiff did file—his 71-page preacipe of July 10, 2013 (Dkt. No.  
6 20)—fails to include any argument opposing Defendant Handler’s motion to dismiss for lack of  
7 personal jurisdiction and failure to state a claim, and therefore does not meet the requirements of  
8 LCR 7(b)(1).

9 Pursuant to LCR 7(b)(2), the Court considers Plaintiff’s failure to oppose Defendant  
10 Handler’s motion as an admission that the motion has merit, and therefore GRANTS the motion.  
11 Defendant Handler is DISMISSED from this action.

12 The clerk is ordered to provide copies of this order to all counsel.

13 Dated this 1st day of August, 2013.

14  
15   
16 Marsha J. Pechman  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24