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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL JOHN HANSEN, et al.,

Plaintiffs,

v.

ROBIN P. ARKLEY, CEO, et al.,

Defendants.

No. 2:20-cv-2436 KJM CKD (PS)

ORDER VACATING HEARING AND
ORDER TO SHOW CAUSE

Plaintiff proceeds pro se with this civil rights action. On March 1, 2021, defendants moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure, Rule 12(b), requesting the court dismiss the complaint without leave to amend. Defendants’ motion was set for a hearing on April 28, 2021. To date, plaintiff has not filed an opposition to the motion to dismiss, or a statement of non-opposition, and has not sought an extension of time to do so. Accordingly, the hearing set for April 28, 2021 is vacated and will be reset, if appropriate, at a later date. Plaintiff is ordered to show cause, in writing, why his failure to oppose the motion to dismiss should not waive his right to oppose the motion and to show cause, in writing, why this action should not be dismissed.

Local Rule 230(l) provides, in part: “Failure of the responding party to file an opposition or statement of non-opposition may be deemed a waiver of any opposition to the granting of the motion and my result in the imposition of sanctions.” In the court’s order dated December 29,

1 2020, plaintiff was cautioned that pursuant to Local Rule 230(c), an opposition to the granting of
2 a motion must be filed fourteen days prior to the noticed hearing date. Plaintiff was further
3 cautioned “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if
4 written opposition to the motion has not been timely filed by that party.” Plaintiff was notified
5 that failure to comply with the Federal Rules of Civil Procedure, Local Rules of Practice, or
6 orders of this court could result in dismissal of this action. Despite receiving these admonitions,
7 plaintiff has not filed an opposition to the pending motion to dismiss or statement of non-
8 opposition.

9 Based on the foregoing, IT IS ORDERED:

- 10 1. The April 28, 2021 hearing on defendant’s motion to dismiss is vacated, and, if
11 appropriate, will be re-set at a later date; and
- 12 2. Within 21 days from the date of this order, plaintiff shall show cause, in writing, why
13 his failure to oppose defendants’ motion to dismiss should not waive his right to
14 oppose the motion, and to show cause, in writing, why this action should not be
15 dismissed; if plaintiff does not wish to prosecute this case, then plaintiff may file a
16 notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure, Rule
17 41(a)(1), which will result in a recommendation that this action be dismissed.

18 Dated: April 20, 2021

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20 _____
21 CAROLYN K. DELANEY
22 UNITED STATES MAGISTRATE JUDGE

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