

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Iskander v. JP Morgan Chase Bank, N.A.

Iskander · No. 2:24-cv-3381-JDP · Decided April 9, 2025

SUMMARY

The United States District Court for the Eastern District of California addresses plaintiff’s failure to respond to defendant’s motion to dismiss. The court continues the hearing, orders plaintiff to file an opposition or statement of non-opposition, and requires plaintiff to show cause why sanctions, including dismissal, should not be imposed.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 9, 2025
DOCKET	2:24-cv-3381-JDP
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss the complaint for failure to state a claim. After plaintiff failed to oppose or state non-opposition within the time required by the local rules, the court continued the motion hearing, ordered plaintiff to respond, and issued an order to show cause why sanctions should not be imposed.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and the order is not reported.

TOPICS

- sanctions
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the court should require plaintiff to show cause why sanctions should not be imposed for failing to timely respond to defendant's motion to dismiss.
2. Whether the hearing on defendant's motion to dismiss should be continued and plaintiff required to file an opposition or statement of non-opposition.

HOLDINGS

1. A district court may impose sanctions, including dismissal, when a party fails to comply with court orders or applicable local rules; here, the court required plaintiff to show cause why sanctions should not be imposed and warned that failure to comply with the new order would result in dismissal.

KEY QUOTATIONS

“Involuntary dismissal is a harsh penalty, but a district court has a duty to administer justice expeditiously and avoid needless burden for the parties.” (at 1)

“Plaintiff’s failure to respond to this order will constitute a failure to comply with a court order and will result in dismissal of this action.” (at 1)

FACTUAL BACKGROUND

Defendant filed a motion to dismiss plaintiff's complaint for failure to state a claim. Plaintiff did not respond to the motion by filing either an opposition or a statement of non-opposition within the deadline prescribed by the court's local rules. The court therefore required plaintiff to explain the noncompliance and warned that failure to respond to the order would lead to dismissal.

PROCEDURAL HISTORY

Defendant filed a motion to dismiss on February 14, 2025. Plaintiff did not file an opposition or statement of non-opposition within fourteen days as required by Eastern District of California Local Rule 230(c). The court continued the scheduled hearing, required plaintiff to respond to the motion and show cause regarding sanctions, and warned that failure to comply with the order would result in dismissal.

DISPOSITION

other

CASES CITED

- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Carey v. King, 856 F.2d 1439, 1440-41 (9th Cir. 1988)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)

OPINION

Iskander v. JP Morgan Chase Bank, N.A.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MILAD ISKANDER, Case No. 2:24-cv-3381-JDP 12 Plaintiff, 13 v. ORDER

14 JP MORGAN CHASE BANK, N.A.,

15 Defendant, 16 17 On February 14, 2025, defendant filed a motion to dismiss plaintiff's
complaint for failure 18 to state a claim. ECF No. 13. To date, plaintiff has not responded to
defendant's motion. 19 Under the court's local rules, a responding party is required to file an
opposition or 20 statement of non-opposition to a motion no later than fourteen days after the date
it was filed. 21 E.D. Cal. L.R. 230(c). To manage its docket effectively, the court requires litigants
to meet 22 certain deadlines. The court may impose sanctions, including dismissing a case, for
failure to 23 comply with its orders or local rules. See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110;
Hells Canyon 24 Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005); Carey v.
King, 856 F.2d 25 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a
district court has a 26 duty to administer justice expeditiously and avoid needless burden for the
parties. See 27 Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1. 28 1 The
court will give plaintiff the opportunity to explain why sanctions should not be 2 | imposed for
failure to file an opposition or statement of non-opposition to defendant's motion. 3 | Plaintiff's
failure to respond to this order will constitute a failure to comply with a court order and 4 | will
result in dismissal of this action. 5 Accordingly, it is hereby ORDERED that: 6 1. The April 17,
2025 hearing on defendant's motion is continued to May 22, 2025, at 7 | 10:00 a.m. 8 2. By no
later than April 24, 2025, plaintiff shall file an opposition or statement of non- 9 | opposition to
defendant's motion. 10 3. Plaintiff shall show cause, by no later than April 24, 2025, why
sanctions should not be 11 | imposed for failure to timely file an opposition or statement of non-
opposition to defendant's 12 | motion. 13 4. Defendant may file a reply to plaintiffs opposition, if
any, no later than May 8, 2025. 14 1s IT IS SO ORDERED. 16 | q Sty — Dated: _ April 8, 2025 q

17 JEREMY D. PETERSON

18 UNITED STATES MAGISTRATE JUDGE

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