

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Evans v. County of Imperial

No. 25-cv-249-BEN (LR) (S.D. Cal. Mar. 28, 2025) · No. 25-cv-249-BEN (LR) · Decided March 28, 2025

OPINION

Evans v. County of Imperial

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 1] || ROBERT EVANS, Case No. 25-cv-249-BEN (LR) 12 Plaintiff,

13 || v. ORDER GRANTING MOTION TO

14 | COUNTY OF IMPERIAL, etal., DISMISS COUNTY OF IMPERIAL

15 Defendants. 16

M7 The County of Imperial moved to dismiss Plaintiff's Complaint on February 18 10, 2025.

Hearing was set for March 24, 2025. Plaintiff's opposition was due on

19 March 10, 2025. Plaintiff has not filed an opposition. The time for hearing has

20 passed. The Court deems the lack of opposition to be consent to the motion. See 21 Local Rule

7.1(F)(2)(b) ("Waiver. A movant's failure to file any papers required 22 under the local rules may

be deemed as a waiver of the motion, or other request for 23 ruling by the Court.""). 24 "Failure to

follow a district court's local rules is a proper ground for 25 dismissal. Before dismissing the

action, the district court is required to weigh 26 several factors." Ghazali v. Moran, 46 F.3d 52, 53

(9th Cir. 1995). In dismissing 27 that action against the County of Imperial, the following factors

have been weighed: 28 1 || (1) the public's interest in expeditious resolution of litigation (here, the

interest is 2 || strong and satisfied by early dismissal); (2) the court's need to manage its docket 3 ||

(here, the interest is strong and satisfied by discouraging non-compliance with local 4 || rules); (3)

the risk of prejudice to defendants (here, the interest is weak); (4) the 5 || public policy favoring

disposition of cases on their merits (here, the interest is weak 6 || in that the statute of limitations

will likely bar a ruling on the merits); and (5) the 7 || availability of less drastic sanctions (here, the

interest is weak as dismissal is not 8 || imposed as a sanction). Considering these factors,

Defendant County of Imperial's 9 || motion to dismiss is granted, without prejudice. Wave Plastic

Surgery Ctr., Inc. v. 10 || Beauty Art Ctr., LLC, No. CV205125 DSFMAAX, 2022 WL 2288315, at

*1 (C.D. 11 || Cal. Mar. 1, 2022) (dismissing where party failed to file opposition brief) (citing 12

|| V.V.V. & Sons Edible Oils Limited v. Meenakshi Overseas, LLC, 946 F.3d 542, 547 13 || (9th

Cir. 2019) (non-opposition to motion to dismiss waived any challenge to 14 || dismissal of the

claims); Jenkins v. Cty. of Riverside, 398 F.3d 1093, 1095 n.4 (9th 15 || Cir. 2005) (claims can be abandoned if their dismissal is unopposed); Ghazali v. 16 || Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)). 17 IT IS SO ORDERED. . 18 19 Dated: March 28, 2025 + siocable Roger 1 Benit 30 United States District Judge 21 22 23 24 25 26 27 28