

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Alonso v. Imperial County Sheriff Office

Alonso · No. 23-CV-0005-CAB-BGS · Decided March 6, 2023

SUMMARY

The United States District Court for the Southern District of California granted Defendants’ unopposed motion to dismiss a 42 U.S.C. § 1983 complaint. Applying the factors discussed in Ghazali v. Moran, the court dismissed the complaint without prejudice based on Plaintiff’s failure to oppose the motion and ordered the case closed.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 6, 2023
DOCKET	23-CV-0005-CAB-BGS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss the complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim under 42 U.S.C. § 1983. The motion was unopposed.
STANDARD OF REVIEW	The court applied the local-rule dismissal factors identified in Ghazali v. Moran, including the public interest in expeditious resolution, the court's need to manage its docket, prejudice to defendants, the policy favoring decisions on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.
PARTIES	Christopher K. Alonso v. Imperial County Sheriff Office et al.

TOPICS

- motions to dismiss
- section 1983
- civil procedure
- sanctions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should grant an unopposed motion to dismiss when the plaintiff failed to file a timely opposition under the court's local rules.
2. Whether dismissal without prejudice was warranted after applying the factors governing dismissal for failure to comply with local rules.

HOLDINGS

1. A plaintiff's failure to oppose a motion to dismiss as required by the Southern District of California's local rules may constitute consent to the granting of the motion.
2. Dismissal without prejudice was warranted because Plaintiff's failure to oppose the motion indicated abandonment and consent, and the relevant Ghazali factors supported dismissal.

KEY QUOTATIONS

“Accordingly, the motion to dismiss is GRANTED based on the lack of opposition, and the complaint is DISMISSED WITHOUT PREJUDICE.” (at 3)

FACTUAL BACKGROUND

Defendants moved to dismiss Plaintiff's § 1983 complaint on January 26, 2023. The motion set March 2, 2023, as a hearing date for briefing purposes, making Plaintiff's opposition due February 16, 2023, under Civil Local Rule 7.1.e.2. Plaintiff filed no opposition.

PROCEDURAL HISTORY

Plaintiff filed a civil-rights complaint in the Southern District of California. Defendants filed an unopposed motion to dismiss on January 26, 2023. Because Plaintiff failed to file an opposition required by the court's local rules, the court deemed the failure indicative of abandonment and consent, granted the motion, dismissed the complaint without prejudice, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)