

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**FRIENDS OF ROEDING PARK, a California
non-profit unincorporated association; and
LISA FLORES, ED BYRD, and PATRICIA
ESPINOZA, individually,**

Plaintiffs,

v.

**CITY OF FRESNO, a California municipal
corporation; FRESNO'S CHAFFEE ZOO
CORPORATION, a California non-profit
public benefit corporation; ROEDING PARK
PLAYLAND, a California non-profit
corporation; FRESNO STORYLAND, a
California non-profit corporation; and HARRIS
CONSTRUCTION COMPANY CO., INC., a
California corporation,**

Defendants.

1:11-cv-02070 LJO SKO

ORDER TO SHOW CAUSE

This case concerns the planned expansion of the Fresno Chaffee Zoo, located in Roeding Park, within the City of Fresno. Scheduled for oral argument on April 9, 2012 are motions to dismiss filed by (1) Defendant City of Fresno, Doc. 62, and (2) Defendant Fresno's Chaffee Zoo Corporation, Doc. 63. Under Local Rule 230(c), Plaintiffs' oppositions to these motions were due no less than fourteen days before the April 9 hearing date, so no later than March 26, 2012. Furthermore, under Rule 230(c), "[a] responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect, specifically designating the motion in question" and "[n]o party will be entitled to be heard in

1 opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that
2 party.”

3 Plaintiffs failed to file any oppositions or statements of non-opposition to the above-referenced
4 motions. Therefore, Plaintiffs are not entitled to be heard at the April 9 hearing.¹ Plaintiffs previously
5 failed to file an opposition or a statement of non-opposition to Federal Defendants’ motion to dismiss for
6 insufficient service of process. *See* Doc. 60. Plaintiffs’ failure to comply with the local rules may
7 warrant dismissal with prejudice. *See Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Plaintiffs are
8 therefore ORDERED TO SHOW CAUSE why this Court should not dismiss this action in its entirety.
9 Plaintiffs are to submit a brief establishing cause to this Court no later than Friday, March 30, 2012.
10 Failure to file the required brief will result in dismissal, without further notice, of Plaintiffs’ action in its
11 entirety and with prejudice.
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16 IT IS SO ORDERED.

17 Dated: March 27, 2012

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE

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27 ¹ A similar order to show cause was filed on October 19, 2011, but discharged on November 1, 2011 upon Counsel’s
28 explanation that he was unable to timely file opposition to two motions to dismiss due to a death in the family. *See* Docs. 28,
29 & 31.