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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 KRISTEN VENT,

12 Plaintiff,

13 v.

14 NATHAN FLETCHER, et al.,

15 Defendants.  
16

Case No.: 3:22-cv-01651-RBM-DDL

**ORDER TO SHOW CAUSE RE:  
DISMISSAL**

17  
18 On October 24, 2022, Plaintiff Kristen Vent (“Plaintiff”), proceeding pro se, filed a  
19 complaint against various officials for the County of San Diego (“County”) in their official  
20 capacities, including: (i) Nathan Fletcher, Chairman of the Board of Supervisors (“Board”);  
21 (ii) Nora Vargas, Vice Chair of the Board; (iii) Terra Lawson-Remer, Supervisor of District  
22 3; (iv) Jim Desmond, Supervisor of District 5; (v) Joel Anderson, Supervisor of District 2;  
23 (vi) Cynthia Paes, Registrar of Voters; and (vii) Michael Vu, former Registrar of Voters  
24 (collectively “Defendants”). (Doc. 1.) On November 22, 2022, Defendants filed a motion  
25 pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6) to dismiss Plaintiff’s  
26 complaint (the “MTD”). (Doc. 5.) Defendants’ MTD provided for a hearing date of  
27 January 17, 2023. (*Id.*) Pursuant to Civil Local Rule 7.1(e)(2), Plaintiff’s opposition to  
28 the MTD was due on January 3, 2023. Plaintiff has filed no opposition and has not

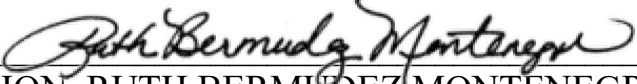
1 requested an extension of time to do so. (*See* Docket.)

2 Under Civil Local Rule 7.1(f)(3)(c), failure to file an opposition when due can  
3 constitute consent to the motion's being granted. District courts have broad discretion to  
4 enact and apply local rules, including dismissal of a case for failure to comply with the  
5 local rules. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (affirming grant of an  
6 unopposed motion to dismiss under local rule by deeming a *pro se* litigant's failure to  
7 oppose as consent to granting the motion). Although the court has an obligation to liberally  
8 construe their pleadings, "pro se litigants are bound by the rules of procedure." *Ghazali*,  
9 46 F.3d at 54. Similarly, the Federal Rules of Civil Procedure authorize this Court to  
10 dismiss an action if a plaintiff fails to prosecute it. *See* Fed. R. Civ. P. 41(b).

11 Plaintiff is therefore **ORDERED** to show cause why this action should not be  
12 dismissed. Plaintiff may do so by filing an opposition or a statement of non-opposition to  
13 the MTD no later than **January 25, 2023**. In the event Plaintiff files an opposition,  
14 Defendants shall file a reply on or before **February 8, 2023**. *Should Plaintiff fail to file*  
15 *an opposition or a statement of non-opposition to the MTD in accordance with this*  
16 *Order, the Court will enter a final order dismissing this civil action based on Plaintiff's*  
17 *failure to prosecute in compliance with a court order.* Civ. Local R. 7.1(f)(3)(c); Fed. R.  
18 Civ. Pro. 41(b).

19 **IT IS SO ORDERED.**

20 DATE: January 11, 2023

21   
22 HON. RUTH BERMUDEZ MONTENEGRO  
23 UNITED STATES DISTRICT JUDGE  
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