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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Joao Cornelio,

No. CV-08-538-PHX-JAT

10 Plaintiff,

ORDER

11 vs.

12 Intel Corp.,

13 Defendant.

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16 On February 8, 2008, Plaintiff filed his Complaint in state court. Defendant removed
17 the case on March 19, 2008, and then answered on March 26, 2008 (Doc. #5). Plaintiff filed
18 his jury trial demand on May 6, 2008 (Doc. #10).

19 Defendant filed the pending Motion to Strike Plaintiff’s Request for Jury Trial (Doc.
20 #15) on May 22, 2008. Defendant argues that the Federal Rules of Civil Procedure govern
21 the time for filing Plaintiff’s jury demand. And, pursuant to Federal Rule of Civil Procedure
22 38(b), Plaintiff had ten days from the time of Defendant’s Answer to make the jury demand.
23 The Defendant therefore argues that Plaintiff’s demand was untimely.

24 Plaintiff failed to respond to Defendant’s Motion to Strike. Pursuant to Local Rule
25 of Civil Procedure 7.2(i), the Court will deem Plaintiff’s failure to respond as consent to the
26 motion.

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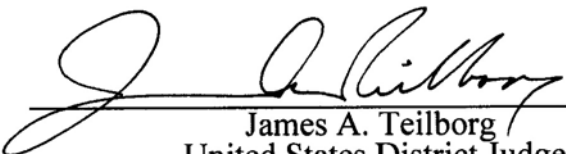
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Accordingly,

IT IS ORDERED GRANTING Defendant's Motion to Strike Plaintiff's Request for Jury Trial (Doc. #15). The Clerk of the Court shall strike Docket #10.

DATED this 4th day of September, 2008.


James A. Teilborg
United States District Judge