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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SERGIO ALEJANDRO GAMEZ,

Plaintiff,

v.

F. GONZALEZ, et al.,

Defendants.

Case No. 08cv1113 MJL (PCL)

**ORDER GRANTING REQUEST
FOR A MOTION HEARING
DATE**

(Doc. No. 24)

Plaintiff Sergio Alejandro Gamez (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with an action filed pursuant to 42 U.S.C. § 1983. (See Doc. No. 1.) On April 2, 2010, Plaintiff filed a Request for a Motion Hearing Date seeking a hearing date for a “Motion to Award Expert Witness Fees.” (Doc. No. 24.)

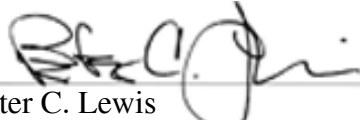
The Court determines that this matter is currently in discovery and a telephonic Mandatory Settlement Conference is set for May 25, 2010 at 10:00 a.m. (See Doc. No. 22.) The Court sets this hearing date as the appropriate date for a hearing on Plaintiff’s intended Motion. If Plaintiff files such a Motion, any opposition to the granting of the motion shall be served and filed by the responding party not more than twenty-one (21) days after the date of service of the motion. L. R. 78-230(1).

Moreover, 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. *Id.* The parties should note that failure of the responding party to file an opposition or to file a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and

1 may result in the imposition of sanctions. Id. The moving party may, not more than seven (7)
2 days after the opposition is served, serve and file a reply to the opposition. Id.

3 **IT IS SO ORDERED.**

4 DATE: April 14, 2010

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6 Peter C. Lewis
7 U.S. Magistrate Judge
8 United States District Court

9 cc: The Honorable M. James Lorenz
10 All Parties and Counsel of Record
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