

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

Currently pending before the Court is Defendants' motion to dismiss. Hearing on this motion is set for May 3, 2010. By Local Rule, Plaintiff was to file either a notice of non-opposition or an opposition no later than April 19, 2010. See Local Rule 230(c). Plaintiff failed to do so. Plaintiff is in violation of the Local Rules. Plaintiff is not entitled to be heard in opposition at oral argument. See id.

23 Plaintiff did make several filings on April 21, 2010, including a motion to amend.  
24 Plaintiff set a hearing date on the motion to amend for May 3, 2010, so as to be heard  
25 simultaneously with Defendants' motion to dismiss. Defendants responded to those filing on  
26 April 26, 2010. A "related or counter motion" may be filed in response to an opponent's motion.  
27 See Local Rule 230(e). However, the time for Plaintiff to file her motion to amend was April 19,  
28 not April 21. See *id.* Because Defendants' have filed a response to the motion to amend, the

1 Court will consider Plaintiff's motion. The Court will also permit Plaintiff to file a reply to  
2 Defendants' opposition. See id.

3 The Court has reviewed the moving papers and has determined that the matters are  
4 suitable for decision without oral argument. See Local Rule 230(h).

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6 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of May 3,  
7 2010, is VACATED, and the parties shall not appear at that time. As of May 3, 2010, the Court  
8 will take all matters under submission and will thereafter issue its decision. Additionally,  
9 Plaintiff may file a reply in support of her motion to amend on or by 4:00 p.m. on April 30, 2010.

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11 IT IS SO ORDERED.

12 Dated: April 27, 2010

13 /s/ Anthony W. Ishii  
14 CHIEF UNITED STATES DISTRICT JUDGE

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