

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EUGENE E. FORTE,

Plaintiff,

v.

COUNTY OF MERCED, *et al.*,

Defendant.

Case No. 1:11-cv-00318-AWI-BAM

**ORDER GRANTING PLAINTIFF’S EX
PARTE APPLICATION AND
RESETTING HEARINGS ON
DEFENDANTS’ MOTIONS**

Currently before the Court is Plaintiff Eugene Forte’s Ex Parte Application for an Order to continue the hearings on Defendants’ Motion to Dismiss and Motions to Compel Discovery. (Doc. 227, 228.) Defendants opposed the motion, and Plaintiff submitted a reply brief on August 4, 2014. (Doc. 235, 239.)

By and large, Plaintiff has not shown good cause to continue the hearings on Defendants’ Motions. As is often the case, the vast majority of Plaintiff’s briefing takes issue with the actions of opposing counsel and this Court. But Plaintiff does not tether these complaints to any need for a continuance. Plaintiff also argues there is good cause for a continuance because he is too busy with other legal and personal matters. The Court has already informed Plaintiff this does not constitute good cause to postpone his obligations in this case:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff has apparently involved himself in a number of cases, and in the process, has made choices to allocate time and energy to certain matters over others. Plaintiff's choice to file "lengthy" motions, status reports and updates in this or other matters does not absolve him of his responsibility to comply with the deadlines imposed by this Court.

(Doc. 201, 2: 18-23.)

Nevertheless, considering Plaintiff's pro se status, the need to accommodate the Court's calendar, and in the interests of justice, the Court CONTINUES the hearings on Defendants' Motion to Dismiss and Motions to Compel Discovery. (Doc. 227, 228.)

Defendants' Motion to Compel (Doc. 228), currently set for August 29, 2014 is CONTINUED to September 19, 2014, at 9:00 AM, in Courtroom 8, before United States Magistrate Judge Barbara A. McAuliffe. Defendants' Motion to Dismiss and Motion Compel Discovery (Doc. 227, 228), currently under submission, are RESET for hearing on September 19, 2014, at 9:00 AM, in Courtroom 8, before United States Magistrate Judge Barbara A. McAuliffe. Plaintiff's Opposition to these Motions, if any, shall be filed and served on or before September 5, 2014. Defendants' reply briefs shall be filed and served on or before September 12, 2014.

The Court will not grant any additional request to continue the hearings on these motions, nor will the Court permit relief from the above briefing schedule, absent a strong showing of good cause.

IT IS SO ORDERED.

Dated: August 4, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE