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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DEMETRIO QUINTERO,	)	1:11-cv-00839 AWI GSA
Plaintiff,	)	ORDER DENYING PLAINTIFF’S MOTION
v.	)	FOR CONTINUANCE WITHOUT
	)	PREJUDICE
MARIPOSA COUNTY SCHOOL	)	(Doc. 44)
DISTRICT, et al.	)	ORDER STRIKING PLAINTIFF’S LETTER
Defendants.	)	FILED ON JANUARY 4, 2013

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On January 4, 2013, Plaintiff filed a letter addressed to the undersigned alleging *inter alia*, allegations of misconduct by Defendant’s counsel. (Doc. 43). Plaintiff did not serve opposing counsel. Attached to the letter were several discovery requests that Plaintiff alleges were served on Defendant on December 31, 2012. On January 7, 2013, the Court returned the discovery requests to Plaintiff advising him that discovery documents are not properly filed on the Court’s docket.

Moreover, Plaintiff is advised that the letter will be stricken as it was improperly filed. If Plaintiff wishes to file a motion, he must follow Local Rule 230. Writing a letter to the judge is not proper and is ex parte communication when the document is not served on opposing counsel. Plaintiff has previously been advised of these requirements. (Doc. 10).

1 Finally, on that same day, Plaintiff filed a Motion for Ninety Day Extension of time.  
2 (Doc. 44). In the motion, Plaintiff requests a continuance of the hearing on Defendant's Motion  
3 to Compel scheduled for January 11, 2013 at 9:30 am, as well as a continuance of the discovery  
4 deadline. (Doc. 44). Plaintiff's motion is DENIED without prejudice. Plaintiff failed to file a  
5 response to Defendant's motion. Moreover, Plaintiff's motion is untimely as he did not file any  
6 opposition to Defendant's Motion to Compel. Additionally, Plaintiff is advised that he must  
7 properly notice a motion including serving opposing counsel, as well as properly noticing the  
8 motion as set forth in Local Rule 230.

9 Accordingly, Plaintiff's Motion for Continuance is DENIED. The hearing scheduled for  
10 January 11, 2013 at 9:30 am will remain on calendar. Plaintiff is required to personally appear.  
11 Moreover, the Clerk of the Court is directed to STRIKE Document 43 from the docket.

12  
13 IT IS SO ORDERED.

14 Dated: January 8, 2013

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE