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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 NATALIE ROCHA,

CASE NO. CV F 14-0154 LJO BAM

9 Plaintiff,

ORDER TO VACATE HEARING

10 vs.

(Docs. 3, 9)

11
12 CONAGRA FOODS PACKAGED
FOOD, LLC, et al.,

13 Defendants.
14 _____/

15 **PRELIMINARY STATEMENT**

16 Judges in the Eastern District of California carry the heaviest caseload in the nation,
17 and this Court is unable to devote inordinate time and resources to individual cases and
18 matters. Given his voluminous caseload, U.S. District Judge Lawrence J. O'Neill must
19 prioritize criminal and older civil cases, and at times, at the expense of newer civil actions and
20 to the inconvenience of litigants of newer civil actions.

21 Civil trials set before Judge O'Neill trail until he becomes available and are subject to
22 suspension mid-trial to accommodate criminal matters. Civil trials are no longer reset to a
23 later date if Judge O'Neill is unavailable on the original date set for trial. If a trial trails, it
24 may proceed with little advance notice, and the parties and counsel may be expected to
25 proceed to trial with less than 24 hours notice. Moreover, this Court's Fresno Division
26 randomly and without advance notice reassigns civil actions to U.S. District Judges
27 throughout the nation to serve as visiting judges. In the absence of Magistrate Judge consent,
28 this action is subject to reassignment to a U.S. District Judge from outside the Eastern District

1 of California.

2 Case management difficulties, including trial setting and interruption, are avoided if
3 the parties consent to conduct of further proceedings by a U.S. Magistrate Judge. As such, the
4 parties are required to consider, and if necessary, to reconsider consent to one of the Court's
5 U.S. Magistrate Judges to conduct all further proceedings in that the Magistrate Judges'
6 availability is far more realistic and accommodating to parties than that of U.S. District Judge
7 Lawrence J. O'Neill. A Magistrate Judge consent form is available on this Court's website.

8 The parties and counsel are encouraged to contact United States Senators Dianne
9 Feinstein and Barbara Boxer to address this Court's inability to accommodate the parties and
10 this action. For further information regarding handling of this action, the parties may contact
11 attorney Gary Green at (559) 499-5683 or email him at ggreen@caed.uscourts.gov.

12 **ORDER**

13 On February 11, 2014, defendant ConAgra Foods Packaged Foods, LLC filed its
14 F.R.Civ.P. 12(b)(6) motion to dismiss plaintiff's original complaint and set a March 12, 2014
15 hearing. On March 3, 2014, plaintiff filed her first amended complaint ("FAC") as matter of
16 course under F.R.Civ.P. 15(a)(1). As such and on the basis of good cause, this Court:

- 17 1. VACATES the March 12, 2014 hearing on ConAgra's motion to dismiss in that
18 the FAC renders moot the motion to dismiss plaintiff's original complaint;
19 2. ORDERS no party to appear on March 12, 2014;
20 3. DIRECTS the clerk to term the motion to dismiss the original complaint (doc. 3);
21 and
22 4. ORDERS ConAgra, no later than March 25, 2014, to file and serve papers to
23 respond to the FAC

24 This Court will take no further action on ConAgra's motion to dismiss the original

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1 complaint (doc. 3).

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3 IT IS SO ORDERED.

4 Dated: March 4, 2014

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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