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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,
Plaintiff,
v.
MARTIN CARRILLO MARTINEZ,
Defendant.

No. 1:14-cv-01578-DAD-BAM

ORDER VACATING HEARING ON
MOTION FOR SUMMARY JUDGMENT

ORDER TO SHOW CAUSE WHY
PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT SHOULD NOT BE GRANTED,
AND REQUIRING DEFENDANT TO
SUBMIT WRITTEN OPPOSITION

ORDER DIRECTING CLERK OF THE
COURT TO SERVE THIS ORDER ON
DEFENDANT

On September 19, 2016, plaintiff J & J Sports Productions, Inc. filed a motion for summary judgment on its claim under 47 U.S.C. § 605 and state law claim for conversion. (Doc. No. 43.) On October 17, 2016, defendant Martin Carrillo Martinez, appearing *pro se*, submitted a letter to the court indicating that he must care for his ill mother in Mexico. (Doc. No. 47.) To date, defendant Martinez has not filed an opposition or statement of non-opposition to plaintiff's motion. *See* Local Rule 230(c). In light of defendant's failure to respond to plaintiff's motion for summary judgment, this court vacates the hearing on plaintiff's motion, currently set for

1 November 15, 2016. *See* Local Rule 230(g).

2 The court hereby orders defendant Martinez to show cause why plaintiff's motion for
3 summary judgment should not be granted. Specifically, the court directs defendant Martinez to
4 **file a written response within twenty-eight (28) days of service of this order.**¹ In his response,
5 defendant Martinez should (1) state why plaintiff's motion (Doc. No. 43) should not be granted,
6 and (2) include any evidence in support of his position that plaintiff's motion should not be
7 granted. If defendant fails to comply with this order, the court will deem plaintiff's motion
8 submitted on the present record and issue an order addressing plaintiff's motion based solely on
9 the arguments and evidence submitted by plaintiff.

10 Accordingly,

- 11 1. The Clerk of the Court is directed to serve this order, accompanied by a copy of
12 plaintiff's motion for summary judgment (Doc. No. 43), on defendant at his address of
13 record;
- 14 2. The November 15, 2016, hearing on defendant's motion for summary judgment is
15 vacated; and
- 16 3. Defendant Martinez shall file any response to plaintiff's motion for summary
17 judgment within twenty-eight (28) days of service of this order.

18 IT IS SO ORDERED.

19 Dated: November 7, 2016

20 
UNITED STATES DISTRICT JUDGE

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28 ¹ Plaintiff may, not more than fourteen (14) days after an opposition has been filed, if any, serve and file a reply to defendant's opposition to the motion for summary judgment.