

1 Hildreth, 485 F.3d 1120, 1125 (10th Cir. 2007); United States v. Vampire Nation, 451
2 F.3d 189, 206 n. 17 (3rd Cir. 2006); Abdullah v. United States, 240 F.3d 683, 686 (8th
3 Cir. 2001); Ennis v. LeFevre, 560 F.2d 1072 (2d Cir. 1977); Le v. Almager, No. C 08–
4 03293 SBA, 2013 WL 415632 (N.D. Cal. Jan. 31, 2013); United States v. Hoang Ai Le,
5 No. 2:99–cr–433 WBS, No. 2:16–cv–1090 WBS AC, 2016 WL 9447193 (E.D. Cal. July
6 25, 2016). See also see also United States v. Olano, 62 F.3d 1180, 1193 (9th Cir. 1995)
7 (holding that a criminal defendant does not have the right to proceed pro se when
8 represented by counsel); United States v. Williams, 791 F.2d 1383, 1389 (9th Cir. 1986)
9 (citation omitted) (“Whether to allow hybrid representation, where the accused assumes
10 some of the lawyer’s functions, is within the sound discretion of the judge.”); United
11 States v. Bergman, 813 F.2d 1027, 1030 (9th Cir. 1987) (“A criminal defendant does not
12 have the right to simultaneous self-representation and the assistance of counsel.”).

13 The Court notes further that Plaintiff’s motion is dated August 27, 2017 and
14 requests an extension of time beyond the previously calendared November 3, 2017
15 evidentiary hearing date. (ECF No. 81.) On September 5, 2017, the Court moved the
16 date of the evidentiary hearing from November 3, 2017 to December 13, 2017. (ECF No.
17 79.) Accordingly, it appears that Plaintiff’s request is moot.

18 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff’s pro se
19 motion for extension of time to hold evidentiary hearing (ECF No. 81) is STRICKEN.

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21 IT IS SO ORDERED.

22 Dated: October 11, 2017

23 /s/ Michael J. Seng
24 UNITED STATES MAGISTRATE JUDGE
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