

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL ANTONIO GONZALEZ,

1:15-cv-01098-DAD-EPG (PC)

Plaintiff,

V.

J. RAZO, et al.,

ORDER VACATING PREVIOUS BRIEFING
SCHEDULE AND SETTING NEW
BRIEFING SCHEDULE AND HEARING ON
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT
(ECF NOS. 58 & 62)

Defendants.

On May 30, 2017, Defendants filed a motion for summary judgment. (ECF No. 58). The notice of the motion for summary judgment (*id.* at 2-3) did not mention when Plaintiff's opposition was due, and made no reference to Local Rule 230(l), presumably because Local Rule 230(l) only applies when "one party is incarcerated and proceeding in propria persona." Local Rule 230(l). Accordingly, pursuant to Local Rule 230, the Court will set a hearing on this motion,¹ and the regular briefing schedule described in Local Rule 230 will apply.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The briefing schedule the Court set on June 6, 2017 (ECF No. 62), is VACATED;
2. A hearing on Defendants' motion for summary judgment is set before Magistrate Judge Erica P. Grosjean on July 27, 2017, at 2:00 p.m., at the Robert E. Coyle Federal Courthouse, 2500 Tulare Street, Fresno, CA 93721 in Courtroom #10. The Court notes that this is not an evidentiary hearing;

¹ The Court notes that Defendants should have noticed this motion for hearing and should do so in the future on this case. Local Rule 230(b).

3. "Opposition, if any, to the granting of the motion shall be in writing and shall be filed and served not less than fourteen (14) days preceding the noticed (or continued) hearing date. A responding party who has no opposition to the granting of the motion shall serve and file a statement to that effect, specifically designating the motion in question. No party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party. See L.R. 135." Local Rule 230(c);
4. "Not less than seven (7) days preceding the date of hearing, the moving party may serve and file a reply to any opposition filed by a responding party." Local Rule 230(d);
5. If Plaintiff wishes to appear, he must do so telephonically. Defendants' counsel and Plaintiff's counsel may either appear in person or telephonically. To appear telephonically, the parties are directed to use the following dial-in number and passcode: 1-888-251-2909; passcode 1024453; and
6. Counsel for Defendants is required to arrange for the participation of Plaintiff in the conference.

IT IS SO ORDERED.

Dated: **June 16, 2017**

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE