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

LUIS GUERRERO,

Plaintiff,

v.

HALLIBURTON ENERGY SERVICES, INC.

Defendant.

1:16-cv-1300-LJO-JLT

**ORDER TO SHOW CAUSE RE WHY
PLAINTIFF’S OPPOSITION SHOULD
NOT BE STRICKEN AS UNTIMELY**

(ECF No. 30)

Pending before the Court is Defendant Halliburton Energy Services, Inc. (“Defendant”)’s motion to compel individual arbitration of Plaintiff Luis Guerrero (“Plaintiff”)’s claims. ECF No. 29. The hearing date for Defendant’s motion currently is set for June 12, 2017 before this Court. *See id.* Accordingly, pursuant to Local Rule 230(c), Plaintiff’s opposition to Defendant’s motion was due no later than fourteen (14) days prior to June 12, 2017: May 29, 2017. However, because May 29, 2017 was a legal holiday, pursuant to Federal Rules of Civil Procedure 6(a)(1)(C)(indicating a period stated in days that ends on a legal holiday continues to run until the “next day”), (a)(5)(defining “next day” to mean the previous day if period requires backwards counting), and (a)(6)(defining Memorial Day as a legal holiday), Plaintiff’s opposition was due on or before Friday, May 26, 2017.

Defendant filed a Notice of Non-Receipt of Plaintiff’s Opposition on Saturday, May 27, 2017 at approximately 2:33 PM PDT. ECF No. 30. Plaintiff filed his Opposition on Saturday, May 27, 2017 at 7:00 PM PDT. ECF No. 31. Plaintiff’s Opposition did not include any explanation of why it was not

1 timely filed. *See id.* To date, Plaintiff has not provided any explanation.

2 Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** why the opposition should not be
3 stricken. Plaintiff's response is to be in declaration form, under oath, and must be filed on or before **3:00**
4 **PM PST on Friday, June 2, 2017**. Alternatively, given the infrequent applicability of the combination
5 of rules cited above, the Court would entertain a stipulation extending the time for the filing of a reply.

6 IT IS SO ORDERED.

7 Dated: May 31, 2017

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