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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MADHU SAMEER,
Plaintiff,
v.
THE RIGHT MOVE 4 U, *et al.*,
Defendant.

Case No. 1:17-cv-00886-AWI-EPG
ORDER DENYING MOTIONS
(ECF Nos. 23, 30)
ORDER GRANTING MOTION FOR
CONTINUANCE
(ECF No. 60)
ORDER RESERVING RULING ON MOTION
TO FILE THIRD AMENDED COMPLAINT
(ECF No. 58)

Madhu Sameer is proceeding *pro se* in this civil lawsuit against Fiona Conroy, Conroy Removals LTD, Dylan Cortina, Michelle Franklin, Monica McKinley, Talbot Insurance Agency, The Right Move 4 U, and XO Moving Systems, Inc. (ECF No. 13.) Plaintiff has filed several motions. Some of the pending motions will be addressed by the assigned District Judge. The undersigned judge will address the following motions at this time:

ECF No. 23 – Motion for Directions Regarding Service – This motion requests directions from the Court regarding service of process. This motion is denied because Court sits as a neutral arbitrator of the case and is not in a position to provide legal advice to the parties appearing before it.

1 ECF No. 30 – Motion to Amend – This motion is duplicative of a later motion filed on
2 January 18, 2018 (ECF No. 58). The Court denies this motion as moot.

3 ECF No. 60 – Motion for Continuation of Status Conference – A Scheduling Conference
4 is currently set before the undersigned judge on March 14, 2018. Plaintiff requests that the
5 conference be delayed so that service of process can be effectuated on Defendants. The Court
6 finds good cause and CONTINUES the Scheduling Conference to June 6, 2018, at 10:00 a.m. in
7 Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean. The parties are to refer to the
8 docket entry entitled "Civil Case Documents Issued," (ECF No. 9), for the particulars of
9 participating in the scheduling conference. Although the Court does not typically permit
10 telephonic appearances by *pro se* parties, the Court grants telephonic appearances to any party
11 wishing to so appear and directing each party to use the following dial-in number and passcode:
12 1-888-251-2909; passcode 1024453.

13 ECF No. 58 – Motion to File Third Amended Complaint – The Court reserves ruling on
14 this motion. Local Rule 230 applies to filing of motions, and subparts (a) and (b) provide as
15 follows:

16 (a) Motion Calendar. Each Judge or Magistrate Judge maintains an
17 individual motion calendar. Information as to the times and dates for each motion
18 calendar may be obtained from the Clerk or the courtroom deputy clerk for the
19 assigned Judge or Magistrate Judge.

20 (b) Notice, Motion, Brief and Evidence. Except as otherwise provided in
21 these Rules or as ordered or allowed by the Court, *all motions shall be noticed on*
22 *the motion calendar of the assigned Judge or Magistrate Judge.* The moving party
23 shall file a notice of motion, motion, accompanying briefs, affidavits, if
24 appropriate, and copies of all documentary evidence that the moving party intends
25 to submit in support of the motion. The matter shall be set for hearing on the
26 motion calendar of the Judge or Magistrate Judge to whom the action has been
27 assigned or before whom the motion is to be heard not less than twenty-eight (28)
28 days after service and filing of the motion. Motions defectively noticed shall be
filed, but not set for hearing; the Clerk shall immediately notify the moving party
of the defective notice and of the next available dates and times for proper notice,
and the moving party shall file and serve a new notice of motion setting forth a
proper time and date. *See* L.R. 135.

CAED-LR 230 (emphasis added).

1 Here, Plaintiff has not followed this procedure and has not noticed the motion to amend
2 on the Court's calendar.¹ Therefore, no opposition due date has been set under our Local Rules.
3 See CAED-LR 230(c) (opposition due date triggered only when motion is properly set for a
4 hearing). Therefore, the Court cannot resolve the motion at this time. See Fed. R. Civ. P. 15(a)(2)
5 (providing that a party may amend its pleading only with the opposing party's written consent or
6 the court's leave). Plaintiff may notice the motion for hearing before the undersigned judge in
7 accordance with Local Rule 230.

8 Accordingly, the Court ORDERS as follows:

- 9 1. Plaintiff's Motion for Directions Regarding Service (ECF No. 23) is DENIED;
- 10 2. Plaintiff's Motion to Amend (ECF No. 30) is DENIED as moot;
- 11 3. Plaintiff's Motion for Continuance (ECF No. 60) is GRANTED and the March 14,
12 2018 Scheduling Conference is CONTINUED to June 6, 2018, at 10:00 a.m. in
13 Courtroom 10 (EPG) before Magistrate Judge Erica P. Grosjean; and
- 14 4. Ruling is reserved on Plaintiff's Motion to File a Third Amended Complaint (ECF No.
15 58) until such time that Plaintiff properly notices the motion for hearing.

16 IT IS SO ORDERED.

17 Dated: January 23, 2018

18 /s/ Erica P. Grosjean
19 UNITED STATES MAGISTRATE JUDGE

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26 _____
27 ¹ The Federal Rules of Civil Procedure and the local rules of this Court apply equally to all parties
28 regardless of whether the party is represented by an attorney. A party's *pro se* status does not
afford it any special privileges or exemptions from the Rules. Except in very limited
circumstances, a *pro se* party is held to the same standard as a practicing attorney.