

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

GREGORIO FUNTANILLA, JR.,

Plaintiff,

No. CIV S-02-1157 LKK GGH P

vs.

KAREN KELLY, et al.,

Defendants.

ORDER

_____ /

On December 12, 2008, the court reluctantly granted the motion to withdraw filed by plaintiff’s counsel. The court ordered defendants to serve plaintiff with their motion for summary judgment and granted plaintiff thirty days to file his opposition.

On February 4, 2009, plaintiff filed his opposition. Plaintiff does not address the merits of the motion. Rather, he argues that defendants’ motion should be vacated because he did not consent to former counsel’s agreement to permit the filing of the motion.

Plaintiff, a very frequent, sophisticated litigator, who has been known to the undersigned for nearly all of his nineteen years on the bench, has now tied one too many knots in the adjudication of this seven year old case. The court did not direct plaintiff to file what is in essence a motion to strike defendants’ summary judgment motion, or otherwise authorize plaintiff to unilaterally choose, in his discretion, to file piecemeal oppositions. Plaintiff is stuck

