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

SERGEI PORTNOY,

Plaintiff,

No. CIV S-04-1462 GEB JFM PS

vs.

WASHINGTON MUTUAL BANK,

Defendant.

ORDER

_____ /

Plaintiff is proceeding pro se and in forma pauperis. On May 20, 2005, defendant’s motion to compel arbitration was granted and this action was stayed pending arbitration. On December 14, 2005, plaintiff filed a document entitled “Motion for Further Proceedings,” in which he asks the court to set a status conference in this action because the arbitration concluded on November 21, 2005.

Good cause appearing, plaintiff’s request will be granted. This matter will be set for status conference on March 2, 2006. The Clerk of the Court will be directed to reopen this action.

Pursuant to the provisions of Federal Rule of Civil Procedure 16 and Local Rule 16-240, IT IS HEREBY ORDERED that:

- 1. A Status Conference is set for March 2, 2006, at 11:00 a.m. in courtroom # 26 before the undersigned.

1 2. All parties shall appear by counsel or in person if acting without counsel.

2 3. Plaintiff and counsel are reminded of their continuing duty to notify chambers
3 immediately of any settlement or other disposition (see Local Rule 16-160). In addition, the
4 parties are cautioned that pursuant to Local Rule 78-230(c), opposition to the granting of a
5 motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides
6 that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written
7 opposition to the motion has not been timely filed by that party.” Moreover, Local Rule 78-
8 230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or
9 may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the
10 Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or
11 Rule or within the inherent power of the Court.”

12 DATED: February 9, 2006.

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15 UNITED STATES MAGISTRATE JUDGE

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