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

ARTAY SCRUGGS,

Plaintiff,

No. 2:06-cv-0633 KJM KJN P

vs.

S. VANCE, et al.,

Defendants.

ORDER

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On November 11, 2011, at 7:46 a.m., plaintiff filed a motion to compel and for sanctions, noticed for hearing before the undersigned on December 1, 2011, at 9:00 a.m. The certificate of service confirms that defendants were served by mail on November 10, 2011.

The court's CM/ECF website confirms that CM/ECF was unavailable from Thursday, November 10, 2011, from 5:00 p.m., until 5:00 a.m., on November 11, 2011. Local Rule 134(c) provides:

Technical Failures. The Clerk shall deem the CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than two hours after 2:00 p.m. on a given day. Known systems outages will be posted on the website, if possible. . . .

(1) Untimely Filings Due to CM/ECF Failure. A party may file on the next business day following

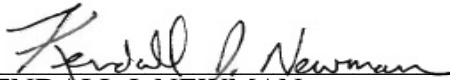
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the technical failure that is announced on the Court's website.

L.R. 134(c)(1).

Good cause appearing, the court finds that plaintiff's motion to compel was timely filed to provide notice of the December 1, 2011 hearing. However, the court holds law and motion calendars at 10:00 a.m. Accordingly, plaintiff's motion to compel shall be heard at 10:00 a.m., on December 1, 2011, before the undersigned. The parties shall timely comply with Local Rule 251.

DATED: November 14, 2011

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

scru0633.ecf