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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SOUTH YUBA RIVER CITIZENS
LEAGUE and FRIENDS OF THE
RIVER,

NO. CIV. S-06-2845 LKK/JFM

Plaintiffs,

v.

O R D E R

NATIONAL MARINE FISHERIES
SERVICE, et al.,

Defendants.

_____ /

On November 17, 2011, defendants in this matter filed a request to shorten time within which the court will hear a motion to extend the deadline for defendants to complete a new Biological Opinion ("BiOp"), as required by this court's July 26, 2011 order. That order requires the defendants to complete the new BiOp by December 12, 2011. By the time defendants filed their request to shorten time, the earliest date for which they could have properly noticed their motion to extend the deadline was December 19, 2011.

1 Defendants have not explained why they did not properly notice the
2 motion earlier, in order to be heard prior to the December 12, 2011
3 deadline. Defendants also request a modified briefing schedule, and
4 to have the matter submitted on the papers. Plaintiffs have not
5 opposed the request to shorten time or to modify the briefing
6 schedule. However, the court denies the request. The court may find
7 oral argument necessary on this matter, and the modified briefing
8 schedule proposed by defendants does not allow the court adequate
9 time to properly analyze the issues. The Eastern District of
10 California has the heaviest caseload per judge in the country.
11 Despite the importance of the issues at stake in the instant case,
12 the court cannot be expected to drop everything in order to prepare
13 for an expedited hearing, when defendants could have properly
14 noticed their motion for hearing before the December 12, 2011
15 deadline. The court will, however, permit the motion to extend the
16 deadline to be heard on December 19, 2011.

17 Accordingly, the court orders as follows:


18 [1] Defendant's request to shorten time, ECF No. 436 is
19 DENIED.

20 [2] Defendant's Motion for an Extension of Time, ECF No. 435,
21 is SET for hearing on December 19, 2011 at 10:00 am.
22 Defendant's Reply Brief is due on December 9, 2011. All other
23 briefing has already been submitted.

24 IT IS SO ORDERED.

25 DATED: December 1, 2011.

26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT