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

10 EDWARD KA'ANOI,

11 Plaintiff,

No. CIV S-07-2722 JKS EFB PS

12 vs.

13 DRMS DIRECTOR  
14 LT. GEN. ROBERT T. DAIL,

15 Defendant.  
16 \_\_\_\_\_/

ORDER

17 Plaintiff proceeds *pro se* in this action, which was referred to the undersigned pursuant to  
18 Eastern District of California Local Rule 72-302(c)(21). *See* 28 U.S.C. § 636(b)(1). On January  
19 26, 2009, the undersigned issued a status (pretrial scheduling) order setting, *inter alia*, July 29,  
20 2009 as the last date to complete law and motion, October 7, 2009 as the date of the final pretrial  
21 conference, and December 7, 2009 as the trial commencement date. Dckt. No. 30.

22 On June 26, 2009, defendant filed a motion for summary judgment, and noticed it for  
23 hearing on July 29, 2009. Dckt. No. 33. However, because plaintiff failed to file an opposition  
24 or a statement of non-opposition to the motion, on July 23, 2009, the court issued an order to  
25 show cause to plaintiff and continued the hearing on the motion to September 9, 2009. Dckt. No.  
26 35. Then, on July 29, 2009, the parties filed a stipulation and proposed order to continue the

1 hearing on the summary judgment motion to September 23, 2009. Dckt. No. 37. On July 31,  
2 2009, the court approved the parties' stipulation and proposed order, and continued the hearing  
3 on the summary judgment motion to October 14, 2009.

4 Because the motion for summary judgment is not scheduled to be heard until October 14,  
5 2009, the court finds that good cause justifies vacating the final pretrial conference, which is  
6 currently scheduled for October 7, 2009. If necessary, once the court resolves defendant's  
7 summary judgment motion, it will reschedule the final pretrial conference and direct the parties  
8 to file the joint pretrial statement required by the January 26, 2009 scheduling order.<sup>1</sup>

9 IT IS SO ORDERED.

10 DATED: September 8, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

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24  
25 <sup>1</sup> The court acknowledges that there is little time between the hearing on defendant's  
26 summary judgment motion and the scheduled trial commencement date. Therefore, the court  
may require the parties to submit a joint pretrial statement within fewer days of the final pretrial  
conference than indicated in the January 26, 2009 scheduling order.