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

MILOS LEUBNER,

Plaintiff,

No. 2:08-cv-0853 GEB JFM PS

vs.

COUNTY OF SAN JOAQUIN, et al.,

Defendants.

ORDER

_____ /

Pending before the court is plaintiff’s motion for a continuance of the June 21, 2012 hearing on defendants’ motions for summary judgment. Plaintiff seeks this extension on the ground that his daughters are “missing,” and he is concerned that will be unavailable to testify at the June 21, 2012 hearing.¹ This is plaintiff’s second request for an extension of time with respect to defendants’ motions for summary judgment. Although plaintiff has been in receipt of defendants’ motions for summary judgment since being served with them on April 2,

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¹ Counsel for Mazzera has submitted an arrest summary from the Potter County Sheriff’s Office in Amarillo, Texas showing that plaintiff’s daughters, Champagne and Cleariana Leubner, are not missing, but instead are incarcerated in Texas for possession of marijuana. Manning Decl., ¶ 4, Ex. B.

1 2012, plaintiff has yet to file an opposition to either motion.² Defendants oppose plaintiff's
2 request.

3 The court notes that this case has been pending since 2008, and a pretrial
4 conference is scheduled for July 30, 2012 before the Honorable Garland E. Burrell, Jr. Doc. No.
5 161.

6 On review of the docket and the lengthy history of this case, IT IS HEREBY
7 ORDERED:

8 1. Plaintiff's request for an extension of time is partially granted on account of
9 his failure to file an opposition. The hearing on defendants' motions for summary judgment is
10 continued to July 12, 2012 at 11:00 a.m. in courtroom # 26. Plaintiff shall file an opposition on
11 or before July 3, 2012. Defendants shall file a reply on or before July 10, 2012. No further
12 extensions of time shall be granted.

13 2. Insofar as plaintiff's request can be construed as a request to allow his
14 daughters to testify at the hearing on defendants' motions for summary judgment, this request is
15 denied. The hearing on the motion for summary judgment is not an evidentiary hearing.

16 DATED: June 21, 2012.

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19 UNITED STATES MAGISTRATE JUDGE

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² As of June 15, 2012, plaintiff has filed only a Statement of Disputed Material Facts as
to defendant Mazzera's motion for summary judgment. See Doc. No. 200.