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

DWAYNE B. BURNS,
Plaintiff,

No. CIV S-09-0497-MCE-CMK

vs.

ORDER

MICHAEL MUKASEY, et al.,
Defendants.

_____ /

Plaintiff, who is proceeding pro se, brings this civil action alleging, among other things, violation of the right to keep and bear arms under the Second Amendment. Defendants have properly noticed their motion for summary judgment to be argued before the undersigned on April 28, 2011. On April 14, 2011, plaintiff filed two documents styled as motions as follows: (1) "Plaintiff's Motion to Strike the Declarations Filed in Support of Defendants' Motion for Summary Judgment" (Doc. 67); and (2) "Plaintiff's Opposition to Defendants' Motion for Summary Judgment and Cross-Motion for Partial Summary Judgment" (Doc. 68). Plaintiff noticed both motions for hearing on April 28, 2011.

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1 Pursuant to Eastern District of California Local Rule 230(b), a motion may not be
2 set for hearing less than 28 days after service of the motion. Here, plaintiff's motions were both
3 served on April 14, 2011, which is less than 28 days before the noticed hearing date of April 28,
4 2011. Plaintiff's defectively noticed motions will, therefore, not be set for hearing and the Clerk
5 of the Court will be directed to terminate these filings as pending motions on the court's docket.
6 To the extent plaintiff's recent filings constitute opposition/objection to defendants' motion for
7 summary judgment, the court will consider them for this limited purpose.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiff's motions filed on April 14, 2011 (Docs. 67 and 68) are removed
10 from the court's hearing calendar; and

11 2. The Clerk of the Court is directed to terminate these filings as pending
12 motions on the court's docket.

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14 DATED: April 19, 2011

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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