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

BRENT WINTERS, et al.,

Plaintiffs,

No. CIV S-09-0522 JAM EFB PS

vs.

DELORES JORDAN, et al.,

ORDER

Defendants.

_____ /

This case, in which plaintiffs are proceeding *pro se*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). Currently scheduled for hearing on January 20, 2010 are defendant Ford’s motion to strike and/or dismiss plaintiffs’ third amended complaint, Dckt. No. 69; defendant Logsdon’s motion to strike and/or dismiss plaintiffs’ third amended complaint, Dckt. No. 72; defendants Burrow Security Forces and Ryan Arbuckle’s motion to dismiss plaintiffs’ third amended complaint and/or for a more definite statement, Dckt. No. 79; defendant Virginia Armstrong’s motion to dismiss plaintiffs’ third amended complaint and/or for a more definite statement, Dckt. No. 84; and defendant Michael Armstrong’s motion to dismiss plaintiffs’ third amended complaint and/or for a more definite statement, Dckt. No. 85.

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1 On January 13, 2010, plaintiffs filed a motion to appear at the January 20, 2010 hearing
2 telephonically, or for the court “to rely on their filings without appearance and argument.” Dckt.
3 No. 101. In light of plaintiffs’ request, and because the undersigned finds that oral argument
4 would not be of material assistance to the court, the January 20, 2010 hearing will be vacated
5 and the matters submitted on the record and briefs. See E.D. Cal. L.R. 230(g).

6 Additionally, on January 13, 2010, plaintiffs filed a motion to remove attorney David
7 Silber for a conflict of interest, and a motion to strike the filings submitted by Mr. Silber,
8 including defendant Virginia Armstrong and defendant Michael Armstrong’s motions to dismiss,
9 Dckt. Nos. 84 and 85. Dckt. No. 100. Plaintiffs’ motion does not comply with Local Rule
10 230(b) or 230(e). Therefore, the motion will be denied without prejudice. If plaintiffs wish to
11 re-file the motion, they shall comply with Local Rule 230(b).

12 Accordingly, good cause appearing, IT IS HEREBY ORDERED that:

- 13 1. Plaintiffs’ motion to vacate the January 20, 2010 hearing, Dckt. No. 101, is granted;
- 14 2. The January 20, 2010 hearings on the pending motions to strike, dismiss, and/or for
15 more definite statement are vacated; and
- 16 3. Plaintiffs’ motion to remove attorney David Silber, Dckt. No. 100, is denied without
17 prejudice for failure to comply with Local Rule 230.

18 SO ORDERED.

19 Dated: January 15, 2010.

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21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
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