

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

NYCOLE Y. OSTRANDER,

Plaintiff,

No. CIV S-09-1255 JAM EFB PS

vs.

HSBC BANK USA, N.A., et al.,

Defendants.

ORDER

This court’s order to show cause, filed June 29, 2009, directs plaintiff Nycole Ostrander to show cause why sanctions should not be imposed due to her failure to file an opposition to defendants’ pending motions to dismiss, previously scheduled for hearing on July 8, 2009. Plaintiff’s opposition should have been filed on or before June 24, 2009. *See* E. D. Cal. L. R. (“Local Rule”) 78-230(c). *See* Dckt. No. 24.

However, plaintiff filed her opposition, or “objections,” to the pending motions, on June 26, 2009 (a Friday), which necessarily were not docketed by the Clerk of Court until June 29, 2009 (a Monday). *See* Dckt. No. 26. The docketing of plaintiff’s opposition preceded the filing of the court’s order to show cause.

While plaintiff’s opposition was untimely, the court will nonetheless consider it, in deference to plaintiff’s *pro se* status. The order to show cause will therefore be discharged.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The order to show cause filed by this court on June 29, 2009, Dckt. No. 24, is  
3 discharged;

4 2. The hearing on defendants' motions to dismiss shall remain scheduled for July 29,  
5 2009, at 10:00 a.m. in Courtroom No. 25; and,

6 3. No further filing is required by plaintiff.

7 SO ORDERED.

8 DATED: July 7, 2009.

9   
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26