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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	MILTON CHARLES VAN NOLAND, and JOY GARNER,
11 12	Plaintiffs, No. CIV S-09-2035 MCE DAD PS v.
13	ERIC S. PELLETIER and "Grrr!
14	LIMITED," <u>ORDER</u>
15	Defendants.
16	/
17	This case came before the court on September 11, 2009, for hearing on plaintiffs'
18	motion for sanctions. (Doc. No. 17.) Plaintiffs Milton Charles Van Nolan and Joy Garner,
19	proceeding pro se, appeared on their own behalf. James Arguellas, Esq. appeared telephonically
20	for defendants Eric S. Pelletier and Grrr! Limited. For the reasons set forth on the record at the
21	hearing, plaintiffs' motion for sanctions was denied without prejudice to renewal following
22	resolution of plaintiffs' pending motion for remand if appropriate. ¹
23	In addition, plaintiffs' motion for contempt (Doc. No. 23) was not properly
24	noticed for hearing under Local Rule 78-230 and is therefore denied without prejudice.
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26	¹ Plaintiffs' motion for remand has been noticed for hearing on September 18, 2009.

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1	Plaintiffs have filed two motions seeking the recusal of the undersigned. (Doc.
2	Nos 35 & 37.) At the hearing on September 11, 2009, plaintiffs indicated that one of those two
3	motions was to be heard by the undersigned. A review of the court's docket, however, reveals
4	that both motions were directed to the assigned district judge and that neither was properly
5	noticed in compliance with Local Rule 78-230. Accordingly, the undersigned will not address
6	those motions at this time.
7	IT IS SO ORDERED.
8	DATED: September 14, 2009.
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10	Dale A. Dage
11	UNITED STATES MAGISTRATE JUDGE
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