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

CHIEU EDWARDS,

Plaintiff,

No. 2:10-cv-00092 LKK KJN PS

vs.

AURORA LOAN SERVICES, LLC;
and DOES 1-50,

ORDER

Defendants.

_____ /
This case, in which plaintiff is proceeding without counsel, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). On February 25, 2010, defendant moved to dismiss plaintiff’s complaint and to expunge a lis pendens.¹ (Dkt. Nos. 8, 11.) Defendant noticed the motions for hearing on April 15, 2010. (Dkt. No. 15.)

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_____ ¹ Defendant’s motion for an order expunging the lis pendens also seeks an award of costs and attorneys’ fees in the amount of \$1,250.

1 Because court records reflected that plaintiff had filed neither an opposition nor a
2 statement of non-opposition to defendant's motions,² on April 12, 2010, this court issued an
3 Order and Order to Show Cause continuing the hearing and inquiring into the propriety of
4 sanctions. (Dkt. No. 19.)

5 Also on April 12, 2010, plaintiff Chieu Edwards filed a Notice of Unavailability
6 for Appearance and Request for Rescheduling of Hearing. (Dkt. No. 21.) Plaintiff stated that
7 due to eviction and family illness, she requested a 45 day extension of the April 15, 2010 hearing.

8 On April 9, 2010, counsel for defendant Aurora Loan Services, LLC filed a
9 request to appear by telephone at the hearing on the motions due to the necessity of traveling
10 from San Diego. Although not routinely granted, this court will grant defendant's counsel's
11 request for telephonic appearance for the motions set forth above.

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

13 1. The hearing on defendant's motion to dismiss and motion to expunge lis
14 pendens is CONTINUED to June 17, 2010;

15 2. The court's April 12, 2010 order to show cause is DISCHARGED;

16 3. Plaintiff shall file an opposition to the motions, or a statement of non-
17 opposition thereto, no later than June 3, 2010;

18 4. Failure of plaintiff to file an opposition will be deemed a statement of non-
19 opposition to the pending motions, and may result in an adverse ruling, including but not limited
20 to a recommendation that this action be dismissed for lack of prosecution. See Fed. R. Civ. P.
21 41(b);

22 5. Defendant may file a reply to plaintiff's opposition, if any, on or before June
23

24 ² Local Rule 230(c) provides that opposition to the granting of a motion, or a statement
25 of non-opposition thereto, must be served upon the moving party, and filed with this court, no
26 later than fourteen days preceding the noticed hearing date or, in this instance, by April 1, 2010.
Local Rule 230(c) further provides that "[n]o party will be entitled to be heard in opposition to a
motion at oral arguments if opposition to the motion has not been timely filed by that party."

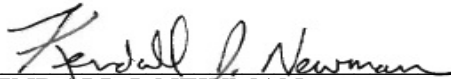
1 10, 2010; and

2 6. Defendant's counsel's request to appear telephonically at the June 17, 2010
3 hearing is GRANTED. Defendant's counsel must contact the undersigned's deputy clerk no later
4 than June 10, 2010 to provide the court with a direct telephone number where counsel may be
5 reached at least ten minutes prior to the time of the hearing.

6 IT IS SO ORDERED.

7 DATED: April 26, 2010

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE