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

JOHN HENRY HART,

Plaintiff,

No. CIV S-10-1672 KJM EFB PS

vs.

PAE GOVERNMENT SERVICES  
INCORPORATED,

Defendant.

ORDER

Plaintiff is proceeding *pro se* and *in forma pauperis* in this action, which was referred to the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1).

On September 6, 2011, plaintiff filed a “Dispute Resolution Motion.” Dckt. No. 59. Plaintiff states that he “motions the courts as well as the defense in [its] recognition of the economic burdens faced by this case, we seek means to resolve this matter by: (1) Plaintiff and the Counsel for the defense, (2) ADR Judge, (3) Trial before Jury.” *Id.* Because it is unclear what relief plaintiff seeks in his motion, the motion will be denied without prejudice. Plaintiff is reminded, however, that he is free to work with defendant’s counsel toward settlement of the

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1 case,<sup>1</sup> and the parties are also free to participate in any private Alternative Dispute Resolution  
2 (“ADR”) process. Additionally, notwithstanding Local Rule 271(a)(2)(ii), if both plaintiff and  
3 defendant so desire, they may file a request that this action be referred to the court’s Voluntary  
4 Dispute Resolution Program (“VDRP”) by filing a Stipulation and Order reflecting the  
5 agreement of all parties to submit the action to the VDRP pursuant to Local Rule 271. *See* E.D.  
6 Cal. L.R. 143; 271(I). Finally, if both parties conclude that a court settlement conference would  
7 likely resolve the case, they may contact the clerk to request that one be scheduled.

8           Additionally, on September 13, 2011, plaintiff filed a “Motion for Relief.” Dckt. No. 60.  
9 Although it is not labeled as such, it appears to be plaintiff’s fourth motion for summary  
10 judgment in this action.<sup>2</sup> Dckt. No. 22. However, once again, plaintiff’s motion does not  
11 comply with the requirements set forth in Local Rules 230(b) and 260(a), in that it was not  
12 noticed for hearing, does not contain any supporting authority or evidence, and was not  
13 accompanied by a Statement of Undisputed Facts. *See* E.D. Cal. L.R. 230(b) (“[A]ll motions  
14 shall be noticed on the motion calendar of the assigned Judge or Magistrate Judge. The moving  
15 party shall file with the Clerk a notice of motion, motion, accompanying briefs, affidavits, if  
16 appropriate, and copies of all documentary evidence that the moving party intends to submit in  
17 support of the motion.”); 260(a) (“Each motion for summary judgment or summary adjudication  
18 shall be accompanied by a ‘Statement of Undisputed Facts’ that shall enumerate discretely each  
19 of the specific material facts relied upon in support of the motion and cite the particular portions  
20 of any pleading, affidavit, deposition, interrogatory answer, admission or other document relied  
21 upon to establish that fact.”). Therefore, plaintiff’s motion for relief, Dckt. No. 60, will be  
22 denied without prejudice.

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24 <sup>1</sup> Plaintiff and defendant’s counsel are reminded of their continuing duty to notify  
chambers immediately of any settlement or other disposition. *See* E.D. Cal. L.R. 160.

25 <sup>2</sup> Plaintiff also filed motions for summary judgment on October 12, 2010, March 1, 2011,  
26 and July 5, 2011, which were denied without prejudice as premature and procedurally improper.  
Dckt. Nos. 6, 7, 22, 24, 38, 40.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's dispute resolution motion, Dckt. No. 59, is denied without prejudice; and
2. Plaintiff's motion for relief, Dckt. No. 60, is also denied without prejudice.

DATED: September 15, 2011

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE