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

SHEPARD JOHNSON,

Plaintiff,

No. CIV S-10-1968 GEB GGH PS

vs.

CHESTER MITCHELL, et al.,

Defendants.

ORDER

_____/

On January 30, 2012, plaintiff filed a motion “for continuance from February 16, 2012 to February 23, 2012 of one of the three items scheduled to be filed by plaintiff on February 16, 2012 per court order dated January 27, 2012.” (Dkt. No. 155.) Plaintiff has noticed this motion for hearing on February 16, 2012 before the undersigned. (Id.) The court notes that the motion was not timely noticed per E.D. Cal. L.R. 230 and is not accompanied by a request for an order shortening time pursuant to E.D. Cal. L.R. 144. Nevertheless, after reviewing the papers in support of the motion, the court concludes that further briefing or oral argument would not be of material assistance in resolving the motion. Accordingly, the February 16, 2012 hearing date on the instant motion will be vacated.

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1 Plaintiff does not indicate a preference as to which of the three “items” due
2 February 16, 2012 should be continued. Therefore, plaintiff will be given an additional seven (7)
3 days until February 23, 2012 to show cause in writing why defendants Rogelio Arosemena,
4 Manuel Berrocal, Peter Reinhold, Maurine E. Smith, Susan Fine, Kim Parsons, and Solarte Inn
5 Corporation should not be dismissed pursuant to Fed. R. Civ. P. 41(b) for plaintiff’s failure to
6 prosecute and follow court orders regarding service of process. All other deadlines in the court’s
7 January 27, 2012 order (dkt. no. 154) will remain unchanged.

8 Plaintiff also requests that he be granted until March 1, 2012 or later to respond to
9 a potential summary judgment motion by some defendants. However, no such motion has yet
10 been filed, and the court does not plan to entertain substantive dispositive motions until
11 jurisdictional issues have been resolved. Therefore, this request is premature.

12 Accordingly, for the reasons outlined above, IT IS HEREBY ORDERED THAT:

- 13 1. The February 16, 2012 hearing on plaintiff’s motion to continue (dkt. no. 155)
14 is vacated.
- 15 2. Plaintiff’s motion to continue (dkt. no. 155) is granted in part.
- 16 3. No later than February 23, 2012, plaintiff shall show cause in writing why
17 defendants Rogelio Arosemena, Manuel Berrocal, Peter Reinhold, Maurine E. Smith, Susan
18 Fine, Kim Parsons, and Solarte Inn Corporation should not be dismissed pursuant to Fed. R. Civ.
19 P. 41(b) for plaintiff’s failure to prosecute and follow court orders.
- 20 4. All other deadlines in the court’s January 27, 2012 order (dkt. no. 154) remain
21 unchanged.

22 DATED: January 31, 2012

23 /s/ Gregory G. Hollows
24 UNITED STATES MAGISTRATE JUDGE

25 GGH/wvr
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