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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

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Presently pending before the court is defendant Patricia Hermansen’s motion to extend the time limit for filing a motion to dismiss for lack of personal jurisdiction, filed on April 26, 2012 along with a request for the court to schedule a hearing on the matter. (Dkt. No. 192.) That same day defendant Patricia Hermansen also filed her actual motion to dismiss for lack of personal jurisdiction. (Dkt. No. 193.) In regards to the former motion, the court finds it unnecessary to schedule a hearing on the matter and will decide the motion on the papers submitted.

Defendant Patricia Hermansen acknowledges that this court’s January 27, 2012 order required all motions to dismiss for lack of personal jurisdiction to be filed by March 22, 2012, and that she did not file such a motion by that deadline. (See Dkt. No. 154.) However, she

1 states that she never received a copy of the court's January 27, 2012 order from either plaintiff or  
2 the court, despite the fact that she filed an answer on October 20, 2011 (dkt. no. 114), which  
3 included her name, address, and telephone number. On March 16, 2012, after noticing that she  
4 was not on the list to receive notice of the proceedings, she sent a letter to the court requesting  
5 that she be given notice of any proceedings and deadlines in the action. (Dkt. No. 172.) She also  
6 established a PACER account to monitor the litigation, and thus discovered the court's January  
7 27, 2012 order on April 12, 2012. Consequently, she filed the instant motion seeking relief from  
8 the above-mentioned deadline. She states that this oversight will not happen again now that she  
9 is on the service list and has access to the record on PACER.

10 In light of defendant Patricia Hermansen's pro se status and her representations  
11 outlined above, the court will grant the instant motion and permit her to proceed with her motion  
12 to dismiss for lack of personal jurisdiction filed on April 26, 2012 (dkt. no. 193). Plaintiff will  
13 be required to file any opposition to the motion within 21 days of the date of service of this order.  
14 Defendant Patricia Hermansen shall file any reply brief within 14 days of service with plaintiff's  
15 opposition, after which the motion will be submitted on the record without oral argument. In the  
16 event that the court ultimately deems oral argument necessary, it will schedule a hearing on the  
17 motion with notice to the parties.

18 For the reasons outlined above, IT IS HEREBY ORDERED THAT:

19 1. Defendant Patricia Hermansen's motion to extend the time limit for filing a  
20 motion to dismiss for lack of personal jurisdiction (dkt. no. 192) is GRANTED.

21 2. With respect to defendant Patricia Hermansen's motion to dismiss for lack of  
22 personal jurisdiction (dkt. no. 193), plaintiff shall file any opposition to that motion within 21  
23 days of the date of service of this order. Defendant Patricia Hermansen shall file any reply brief

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1 within 14 days of service with plaintiff's opposition, after which the motion shall be submitted  
2 on the record without oral argument.

3 DATED: April 30, 2012

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/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

GGH/wvr  
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