IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JUDITH FONSECA,

Plaintiff,

vs.

CITY OF RED BLUFF, et al.,

Defendants.

_____/

No. CIV S-10-2685-MCE-CMK

ORDER

Plaintiff, who is proceeding with retained counsel, brings this civil action. Pending before the court is plaintiff's ex parte application (Doc. 14) for an order continuing the hearing on defendants' motion to compel, currently set for May 5, 2011.

Plaintiff cites two reasons for granting a continuance. First, plaintiff argues that she was never served with the discovery requests as to which defendants seek an order compelling responses. The court observes that this is an argument better made in the context of opposing defendants' motion rather than in the context of a request for a continuance. Moreover, even assuming that plaintiff is correct, the court does not see how this fact would present good cause for a continuance. As a second reason for a continuance, plaintiff cites her counsel's motion to withdraw, set for hearing on May 19, 2011, arguing that the motion to compel should

be heard after the motion to withdraw is decided. Again, the court does not see how this establishes good cause for a continuance. Whether counsel is permitted to withdraw is an issue entirely separate from whether defendants' motion to compel should be heard as noticed or continued.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (Doc. 14) for an ex parte order continuing the hearing on defendants' motion to compel is denied.

DATED: April 15, 2011

CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE