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

CHRISTOPHER D. SCHNEIDER,

Plaintiff,

No. CIV S-10-3242 GEB EFB PS

vs.

AMADOR COUNTY, et al.,

Defendants.

ORDER

This case, in which plaintiff is proceeding *pro se*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On December 6, 2010, plaintiff filed a complaint against Amador County, Linda Van Vleck, and John Hahn, alleging, among other things, violations of plaintiff’s Fourteenth and Fifth Amendment rights to due process, civil conspiracy, negligence, and violations of 42 U.S.C. § 1983 and numerous state statutes. Dckt. No. 1.

On December 22, 2010, plaintiff moved for a temporary restraining order (“TRO”). Dckt. No. 6. The same day, the undersigned issued an order and findings and recommendations recommending that plaintiff’s motion for a TRO be denied. Dckt. No. 8. The December 22, 2010 findings and recommendations were adopted by the assigned district judge on February 8, 2011. Dckt. No. 22.

1 Plaintiff filed an amended complaint, Dckt. No. 11, and defendants responded with a
2 motion to dismiss. Dckt. No. 16. Defendants noticed the motion for hearing on February 23,
3 2011. Dckt. No. 16. Thereafter, on January 24, 2011, plaintiff filed a “motion for declaratory
4 judgment, writ of mandate or prohibition,” and also noticed the motion for hearing on February
5 23, 2011. Dckt. No. 19.

6 Then, on January 26, 2011, plaintiff filed a “motion for clarification of plaintiff’s request
7 for a preliminary injunction hearing.” Dckt. No. 21. Therein, plaintiff states that in his TRO
8 motion, he also requested that a preliminary injunction hearing be scheduled, and he requests
9 clarification regarding the status of that request. *Id.* at 2. Plaintiff also states that if the court
10 denies his request for a preliminary injunction hearing, he requests that defendants’ motion to
11 dismiss “be delayed until March 16 or 23, 2011 so that he may have a fair amount of time to
12 prepare his answer.” *Id.* at 3.

13 The order adopting the undersigned findings and recommendations clarifies that
14 “plaintiff’s motion for a temporary restraining order *or, in the alternative, for a preliminary*
15 *injunction*, Dckt. No. 6, is denied.” Thus, plaintiff has the clarification that he seeks and his
16 motion for clarification is denied as moot. Dckt. No. 22 at 2 (emphasis added).

17 However, plaintiff’s request for a continuance of the hearing on defendants’ motion to
18 dismiss is granted.

19 Accordingly, IT IS HEREBY ORDERED that:

- 20 1. Plaintiff’s motion for clarification, Dckt. No. 21, is denied as moot;
- 21 2. Plaintiff’s request for a continuance of the hearing on defendants’ motion to dismiss is
22 granted;
- 23 3. The February 23, 2011 hearings on defendants’ motion to dismiss, Dckt. No. 16, and
24 on plaintiff’s “motion for declaratory judgment, writ of mandate or prohibition,” Dckt. No. 19,
25 are continued to March 23, 2011.


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1 4. The parties shall file their oppositions and/or statements of non-opposition to the
2 pending motions, and any reply briefs, in accordance with the timelines set forth in Local Rule
3 230(c) and (d).

4 5. The status (pretrial scheduling) conference currently set for April 13, 2011 is
5 continued to June 15, 2011.

6 6. On or before June 1, 2011, the parties shall file status reports, as required by this
7 court's December 6, 2010 order, Dckt. No. 3.

8 DATED: February 9, 2011.

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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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