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

WILLIAM BARKER,

Plaintiff,

No. 2:11-cv-0246 LKK AC P

vs.

R. YASSINE,

Defendant.

ORDER

_____ /
On November 14, 2012, defendant filed both an answer to plaintiff's amended complaint, and a motion to dismiss certain claims raised in the amended complaint. See ECF Nos. 74, 75. Defendant noticed the motion to dismiss for hearing before the court on January 17, 2013; however, due to the reassignment of this matter, the court subsequently rescheduled the hearing for February 13, 2013. ECF Nos. 77, 79.

Pursuant to Local Rule 230(c), any opposition or notice of non-opposition to the motion to dismiss would have been due not less than fourteen (14) days preceding the continued hearing date, or January 30, 2013. Defendant's reply is in turn due seven (7) days after service of the opposition. Id.

On February 4, 2013, plaintiff filed an opposition to the motion to dismiss. ECF

1 No. 80, 81. Plaintiff is reminded that Local Rule 230 provides that no party shall be entitled to
2 be heard in opposition to a motion at oral argument if opposition to the motion has not been
3 *timely* filed by that party. See L.R. 230(c).

4 In the interests of giving defendant an opportunity to file a reply before the
5 scheduled hearing, the court will sua sponte reschedule the February 13, 2013 hearing.
6 Defendant's reply, if any, shall be filed within seven (7) days of the filing date of this order.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. Defendant's reply, if any, remains due within seven (7) days after the filing
9 date of this order; and

10 2. The hearing on defendant's motion to dismiss, currently scheduled for
11 February 13, 2013, is rescheduled to March 27, 2013 at 10:00 a.m. in Courtroom 26.

12 DATED: February 5, 2013.

13 
14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE

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