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

DANIEL THOMAS HARVEY,

Plaintiff,

No. 2:12-cv-526-KJM-EFB PS

vs.

CITY OF SOUTH LAKE TAHOE;
DOUGLAS COUNTY; EL DORADO
COUNTY; ROBERT K. PRISCARO;
JAKE HERMINGHAUS; SHANNON
LANEY; ANDREW EISSINGER,

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 June 14, 2012, the court ordered plaintiff to show cause why plaintiff should not be sanctioned for failing to timely file an opposition or statement of non-opposition to defendants County of El Dorado and Robert K. Priscaro’s motion to dismiss,¹ Dckt. No. 19, and continued the hearing on that

_____ /
¹ On May 8, 2012, defendants County of El Dorado and Robert K. Priscaro’s re-noticed their motion to dismiss for June 20, 2012, Dckt. No. 19, after the original hearing date on their motion was vacated by this court’s related case order, Dckt. No. 17 at 2. Although plaintiff contends that defendants should not have been permitted to re-notice their hearing for a date *earlier* than the date on which it was originally set, Dckt. No. 26 at 3, the related case order

1 motion to dismiss to July 17, 2012. Dckt. No. 24.

2 On June 22, 2012, plaintiff filed a response to the order to show cause. Dckt. No. 26.
3 Therein, plaintiff states that he did not receive notice from the court or from the defendants
4 informing him that the motion to dismiss had been re-noticed for hearing. *Id.* at 2, 3. In light of
5 that representation, the June 14, 2012 order to show cause is discharged.

6 Although plaintiff may not have initially received defendants' May 8, 2012 notice that
7 the motion to dismiss was re-set for hearing, because plaintiff was notified of the July 17, 2012
8 hearing date in the June 14, 2012 order to show cause, the July 17, 2012 hearing date will remain
9 on calendar at this time. In accordance with Local Rule 230, plaintiff shall file an opposition or
10 statement of non-opposition to the motion on or before July 3, 2012,² and defendants shall file a
11 reply thereto on or before July 10, 2012.

12 SO ORDERED.

13 DATED: June 28, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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23 instructed defendants to re-notice the motion in accordance with Local Rule 230(b), which only
24 requires that the motion be heard not less than twenty-eight (28) days after service and filing of
25 the motion.

26 ² Although plaintiff filed an opposition to the motion on June 18, 2012, Dckt. No. 25, it
appears that plaintiff may have been unaware at that time that the motion to dismiss had been re-
noticed. *See* Dckt. No. 25 at 2. Therefore, plaintiff will be provided an opportunity to file a
revised opposition to the motion.