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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT BENYAMINI,  
Plaintiff,  
v.  
M. BLACKBURN, et al.,  
Defendants.

No. 2:13-cv-00205 MCE AC P

ORDER

Plaintiff is a former state prisoner proceeding pro se and in forma pauperis in this action pursuant to 42 U.S.C. § 1983. On July 29, 2014 defendants filed a motion to compel plaintiff’s responses to defendants’ discovery requests and properly noticed it for a hearing on August 27, 2014 at 10:00 before the undersigned since plaintiff is no longer in state custody. Accordingly, plaintiff’s opposition or notice of non-opposition was due on or before August 13, 2014.<sup>1</sup> See L.R. 230(c). Plaintiff has not filed an opposition or notice of non-opposition.

Therefore, pursuant to Local Rule 230, the hearing is reset to September 24, 2014 in order to allow plaintiff one last opportunity to respond to the motion. Plaintiff is cautioned that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the

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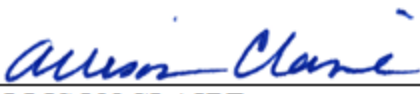
<sup>1</sup> Plaintiff is advised that the prison mailbox rule no longer applies to his pleadings. See Houston v. Lack, 487 U.S. 266 (1988). Therefore, he may not mail documents on the date they are due and have them deemed timely filed. All documents must be received and filed by the court on or before the due date.

1 motion has not been timely filed by that party.” Id. A failure to appear at the hearing may also  
2 result in the imposition of sanctions. L.R. 230(i).

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The hearing currently scheduled for August 27, 2014 is vacated;
- 5 2. Plaintiff shall file an opposition or notice of non-opposition to defendants’ motion no  
6 later than September 10, 2014;
- 7 3. Any reply by defendants is due no later than September 17, 2014; and,
- 8 4. The motion to compel shall be heard on the court’s law and motions calendar on  
9 September 24, 2014.

10 DATED: August 15, 2014

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12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
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