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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
DONALD M. WANLAND, JR.,
Defendant.

No. 2:13-cv-2343-KJM-KJN PS

ORDER

On May 19, 2016, the court issued an order requiring defendant to explain why his “motion for summary judgment, motion for judgment, and motion to dismiss complaint” were filed on May 17, 2016, almost two weeks after the applicable May 5, 2016 deadline for filing dispositive motions. (ECF No. 79.) In response to the court’s order, defendant filed a declaration which adequately demonstrates that the motion papers were delivered to Federal Express for overnight delivery on May 4, 2016; that the motion papers were received by the Clerk’s Office on May 5, 2016; but that, for reasons unknown, the motion papers were not filed by the Clerk’s Office until May 17, 2016. (ECF No. 80.)

In light of defendant’s showing, IT IS HEREBY ORDERED that:

1. Defendant’s “motion for summary judgment, motion for judgment, and motion to dismiss complaint” (ECF No. 78) are deemed timely filed.
2. The briefing deadlines outlined in the court’s December 24, 2015 order remain

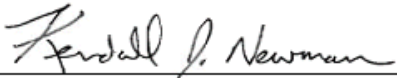
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unchanged and shall continue to apply.

3. Defendant's request for oral argument concerning his motion is DENIED. If the court subsequently determines, upon submission of the motions, that oral argument is necessary, the parties will be notified.

IT IS SO ORDERED.

Dated: June 3, 2016


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE