

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIAL A. MUHAMMAD,
Plaintiff,
v.
SAMS CLUB,
Defendant.

No. 2:14-cv-0213-TLN-KJN PS

ORDER

Presently pending before the court is defendant's motion for summary judgment, currently scheduled for hearing on November 20, 2014. (ECF No. 21.) Plaintiff failed to file a timely opposition or statement of non-opposition to the motion for summary judgment in accordance with Local Rule 230(c). Accordingly, the court vacates the November 20, 2014 hearing. See E.D. Cal. L.R. 230(c) ("No party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party."). Nevertheless, in light of plaintiff's *pro se* status, the court will provide plaintiff with another, final opportunity to oppose the motion, if he so desires.¹

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¹ In preparing any opposition to the motion for summary judgment, plaintiff shall carefully review and comply with the applicable Federal Rules of Civil Procedure and Local Rules, and in particular, Federal Rule of Civil Procedure 56 and Local Rule 260.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The November 20, 2014 hearing on defendant's motion for summary judgment is
3 vacated.
- 4 2. Plaintiff shall file an opposition or statement of non-opposition to the motion ***no later***
5 ***than November 24, 2014.*** Given that the motion was initially filed on July 31, 2014,
6 and noticed for hearing on November 20, 2014, thereby providing plaintiff with a
7 lengthy notice period, no further extensions will be granted absent extraordinary
8 circumstances, which would not include plaintiff's *pro se* status or the mere asserted
9 need for more time to prepare plaintiff's briefing.
- 10 3. Defendant shall file any reply brief no later than December 8, 2014.
- 11 4. Thereafter, the motion will be submitted on the record and briefing, with no further
12 briefing permitted unless specifically requested by the court. If the court subsequently
13 determines that oral argument is necessary, it will be scheduled at a later date.
- 14 5. Plaintiff is cautioned that failure to file a timely opposition or statement of non-
15 opposition in accordance with this order may result in dismissal of the action pursuant
16 to Federal Rule of Civil Procedure 41(b).

17 IT IS SO ORDERED.

18 Dated: November 10, 2014

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21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE
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