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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT,
Plaintiff,
v.
AMAZON.COM,
Defendant.

No. 2:14-cv-00416 TLN CKD

ORDER

On March 28, 2017, defendant filed a motion to dismiss, which was noticed to be heard on May 10, 2017. On April 28, 2017, because plaintiff had not filed either an opposition or a statement of non-opposition, the undersigned continued the hearing on the motion to June 7, 2017 and directed plaintiff to file response no later than May 17, 2017. Plaintiff was advised that failure to file an opposition would be deemed a statement of non-opposition to the pending motion and would result in a recommendation that this action be dismissed.

Plaintiff did not timely oppose the motion to dismiss. However, on May 25, 2017, he requested a thirty-day extension of time, citing a four-week absence from California and a recent change of address. (ECF No. 48.) Defendant opposes any extension and states that plaintiff was personally served with the motion to dismiss and April 28, 2017 order at his new address in early May. (ECF No. 46; see also ECF Nos. 44 & 45.) More generally, defendant cites plaintiff’s “pattern of delays and neglect in this three-year lawsuit.” (Id.)

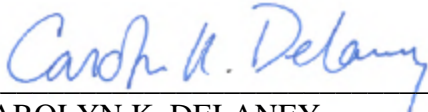
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On this record, and good cause appearing, plaintiff will have one final opportunity to timely file an opposition to the motion to dismiss or face dismissal of this action. No further extensions of time will be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for extension of time (ECF No. 48) is granted;
2. Plaintiff shall file an opposition to defendant's motion to dismiss no later than June 21, 2017. No further extensions of time will be granted; and
3. The hearing date of June 7, 2017 on defendants' motion to dismiss is continued to July 12, 2017 at 10:00 a.m. in Courtroom 24 before Magistrate Judge Carolyn Delaney.

Dated: May 31, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE