

1 BENJAMIN B. WAGNER
 United States Attorney
 2 VICTORIA L. BOESCH
 Assistant United States Attorney
 3 501 I Street, Suite 10-100
 Sacramento, CA 95814
 4 Telephone: (916) 554-2743
 Facsimile: (916) 554-2900
 5 Attorneys for the United States

6
 7
 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 JEAN MARC VAN DEN HEUVEL,
 12 Plaintiff,
 13 v.
 14 UNITED STATES OF AMERICA,
 15 Defendant.

CASE NO.: 2:14-cv-1555-TLN-EFB PS

**UNITED STATES' NOTICE OF
 RESCHEDULED HEARING ON
 MOTION TO DISMISS FOR LACK
 OF JURISDICTION AND PROPOSED
 ORDER**

Federal Rule of Civil Procedure 12(b)(1)

NEW HEARING DATE:

Date: November 5, 2014

Time: 10:00 a.m.

Judge: Hon. Edmund F. Brennan

Ctrm.: 8, 13th floor

Old Hearing Date:

Date: October 1, 2014

Time: 10:00 a.m.

16
 17
 18
 19
 20
 21
 22
 23
 24
 25 PLEASE TAKE NOTICE that, at Pro Se Plaintiff Jean Marc Van Den Heuvel's request, the
 26 United States hereby reschedules the hearing on its Motion to Dismiss for Lack of Subject Matter
 27 Jurisdiction (Dkt. 10) to **November 5, 2014, at 10:00 a.m.**, or as soon thereafter as this matter may
 28

1 be heard, in the Courtroom of the Honorable Edmund F. Brennan, United States Magistrate Judge,
2 United States District Court, 501 I Street, Sacramento, California, Courtroom No. 8, 13th Floor. The
3 United States brings this motion because, in order to bring a claim under the Federal Tort Claims Act
4 (the "FTCA"), Plaintiff must first exhaust his administrative remedies. Because he has not done so,
5 the Court lacks jurisdiction and Plaintiff's case must be dismissed.

6 On August 26, 2014, the United States' counsel received a request from Plaintiff for 30 more
7 days to respond to its motion to dismiss. That request suggests that Plaintiff had a stroke and needs
8 extra time to respond. See Exhibit A. The United States therefore re-notices its motion to give
9 Plaintiff the requested extra time.

10 Because Plaintiff proceeds pro se, the United States refers him to Eastern District of
11 California Local Rule 230, which provides:

12 Opposition and Non-Opposition. Opposition, if any, to the granting of
13 the motion shall be in writing and shall be filed and served not less
14 than fourteen (14) days preceding the noticed (or continued) hearing
15 date. A responding party who has no opposition to the granting of the
16 motion shall serve and file a statement to that effect, specifically
designating the motion in question. 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. See [Local Rule] 135.

17 E.D. Cal. R. 230(c).

18 Respectfully submitted,

19
20 BENJAMIN B. WAGNER
United States Attorney

21 Dated: August 27, 2014

22 By: /s/ Victoria L. Boesch
23 VICTORIA L. BOESCH
Assistant United States Attorney

24 Attorneys for the United States

25 IT IS SO ORDERED.

26 DATED: August 28, 2014.

27 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE