

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PRASHANT KATYAL,
Plaintiff,
v.
MEGAN J. BRENNAN, Postmaster
General, United States Postal Service,
Defendants.

No. 2:15-cv-1021-TLN-EFB PS

ORDER

Defendant filed a motion for summary judgment, and noticed the motion for hearing on January 25, 2015. ECF No. 13. Plaintiff failed to timely file an opposition or statement of non-opposition to the motion in violation of Local Rule 230. Accordingly, the hearing on the motion for summary judgment was continued to February 15, 2017, and plaintiff was ordered to show cause, in writing, by no later than February 1, 2017, why sanction should not be imposed for his failure to timely file an opposition or a statement of non-opposition to the pending motion. ECF No. 15. Plaintiff was also ordered to file an opposition or a statement of non-opposition by February 1, 2017, and admonished that failure to file an opposition would be deemed a statement of non-opposition to defendant’s motion to dismiss. *Id.*

In response, plaintiff explains that a medical condition prevented him from timely filing an opposition or statement of non-opposition to defendant’s motion. ECF No. 16. He further

1 states that he is scheduled to undergo back surgery, and therefore he requires an additional 30
2 days to respond to the pending motion. In light of plaintiff's representations, the order to show
3 cause is discharged and no sanctions are imposed. Further, the court grants plaintiff's request for
4 additional time to respond to defendant's motion.

5 Accordingly, it is hereby ORDERED that:

6 1. The January 13, 2017 order to show cause (ECF No. 15) is discharged and no sanctions
7 are imposed.

8 2. Plaintiff's request for an extension of time to respond to defendant's motion for
9 summary judgment (ECF No. 16) is granted.

10 3. The hearing on defendant's motion for summary judgment (ECF No. 13) is continued
11 to March 15, 2017.

12 4. Plaintiff shall file an opposition to the motion, or a statement of non-opposition thereto,
13 no later than March 1, 2017.

14 5. Failure to file an opposition to the motion will be deemed a statement of non-
15 opposition thereto, and may result in a recommendation that defendant's motion be granted
16 and/or the action be dismissed for lack of prosecution and/or for failure to comply with court
17 orders and this court's Local Rules. *See* Fed. R. Civ. P. 41(b).

18 6. Defendant may file a reply to plaintiff's opposition, if any, on or before March 8, 2017.

19 DATED: February 6, 2017.

20 
21 EDMUND F. BRENNAN
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28