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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DOUGLAS BENSON,
Plaintiff,

No. 2:15-CV-2053-JAM-CMK

vs.

ORDER

ENLOE MEDICAL CENTER, et al.,
Defendants.

_____ /

Plaintiff, who is proceeding pro se, brings this civil action. On November 12, 2015, the matter was stayed pending arbitration. On September 8, 2017, defendants filed a status report indicating that a final binding arbitration decision had been issued on July 7, 2017, and that a stipulation for dismissal of this action had been sent to plaintiff on August 28, 2017. On September 7, 2017, plaintiff filed a statement indicating that he intended to appeal the arbitration award and does not agree to a stipulated dismissal of the action. On September 21, 2017, plaintiff filed in this court a "Notice of Appeal" on a California Judicial Council form. In this filing, plaintiff seeks an order vacating the arbitration award.

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1 Pursuant to Eastern District of California Local Rule 230(b), "all motions shall be
2 noticed on the motion calendar of the assigned Judge or Magistrate Judge." Pursuant to Local
3 Rule 302(c)(21), all matters in actions where, as here, the plaintiff is proceeding pro se shall be
4 referred to the assigned Magistrate Judge. In this case, plaintiff has failed to notice his motion on
5 the undersigned's motion calendar. Therefore, the motion will be stricken. Plaintiff may re-file
6 his motion along with a notice of motion setting the matter on the undersigned's motion calendar.

7 Given resolution of arbitration proceedings, the stay issued on November 12,
8 2015, is lifted and defendants shall file a response to the complaint within 30 days of the date of
9 this order.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion (Doc. 13) is stricken for lack of proper notice; and
- 12 2. The stay of proceedings issued on November 12, 2015, is lifted; and
- 13 3. Defendants shall file a response to the complaint within 30 days of the
14 date of this order.

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16 DATED: October 11, 2017

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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