1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:16-cv-0035 KJM DB PS LAURA BRATSET, et al., 12 Plaintiffs. 13 v. **ORDER** 14 DAVIS JOINT UNIFIED SCHOOL DISTRICT, et al., 15 16 Defendants. 17 18 Plaintiff, Laura Bratset, is proceeding pro se in this action. Therefore, the matter was 19 referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). 20 On April 18, 2018, and May 7, 2018, plaintiff filed a number of motions. (ECF Nos. 84-21 87 & 89-91.) None of those motions are noticed for hearing before the undersigned in violation 22 of Local Rule 230. In this regard, Local Rule 230(b) requires that "all motions shall be noticed on the motion calendar of the assigned ... Magistrate Judge" and "be heard not less than twenty-23 24 eight (28) days after service and filing of the motion." Moreover, one of plaintiff's motions seeks to supplement the administrative record. (ECF 25 26 No. 84.) However, the April 2, 2018 Status (Pretrial Scheduling) Order provided a deadline for 27 defendant to lodge the administrative record with the court and for plaintiff to file a motion to 28 supplement the record. (ECF No. 83.) The deadline for defendant to file that administrative

record is outstanding and defendant has not yet filed the administrative record.¹

Other motions filed by plaintiff appear to attempt to challenge the administrative decision in this action. (ECF Nos. 85-87, 89.) The April 2, 2018, Status (Pretrial Scheduling) Order, provided plaintiff with a deadline for the filing of a motion for summary judgment, wherein plaintiff could raise such arguments after a review of the administrative record.

Plaintiff also filed two motions challenging the dismissal of the Davis Joint Unified School District ("DJUSD") from this action. (ECF Nos. 90-91.) In this regard, on July 5, 2017, the undersigned granted defendant DJUSD's motion to dismiss due to improper service and granted plaintiff additional time to effect service. (ECF No. 67.) Plaintiff did not seek reconsideration of that order and the order became final 14 days after service of the order on plaintiff. See Local Rule 303(b).

On November 1, 2017, the undersigned issued an order to show cause ordering plaintiff, in part, to show cause as to why DJUSD should not be dismissed from this action due to plaintiff's failure to complete service upon DJUSD. (ECF No. 71.) Plaintiff filed a response on November 17, 2017. (ECF No. 72.) That response did not address any further attempts by plaintiff to serve DJUSD, or why DJUSD should not be dismissed from this action.

On December 19, 2017, the undersigned issued findings and recommendations. Therein, the undersigned recommend that DJUSD be dismissed from this action due to plaintiff's failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure with respect to service on DJUSD. (ECF No. 73 at 12.) Plaintiff did not file any objections to the December 19, 2017 findings and recommendations. Those findings and recommendations were adopted in full by the previously assigned District Judge on February 2, 2018. (ECF No. 75.)

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¹ Moreover, plaintiff was encouraged at the March 30, 2018 Status (Pretrial Scheduling) Conference to first meet and confer with defense counsel in an attempt to resolve any dispute regarding supplementing the administrative record.

CONCLUSION Accordingly, for the reasons stated above, IT IS HEREBY ORDERED that plaintiff's April 18, 2018 (ECF Nos. 84, 85, 86, 87) and May 7, 2018 (ECF Nos. 89, 90, 91) motions are denied without prejudice for failure to comply with Local Rule 230. Dated: May 22, 2018 UNITED STATES MAGISTRATE JUDGE DLB:6 DB/orders/orders.pro se/bratset0035.lr230.ord