

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

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

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

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

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

23 ///

24 ///

25 ///


26
27 ¹ Moreover, plaintiff was encouraged at the March 30, 2018 Status (Pretrial Scheduling)
28 Conference to first meet and confer with defense counsel in an attempt to resolve any dispute
regarding supplementing the administrative record.

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

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



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:6
DB/orders/orders.pro se/bratset0035.lr230.ord