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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARILEE BROWN,  
Plaintiff,  
v.  
SALLY JEWELL,  
Defendant.

No. 2:16-cv-0637 MCE CKD PS

ORDER

Presently calendared for hearing on January 25, 2017 is defendant’s motion to dismiss. Plaintiff has requested an additional extension of time to April, 2017 to file an opposition due to personal health reasons and because of care she provides to her parents. Plaintiff’s request is unreasonable. The motion was filed September 12, 2016 and the court has already afforded plaintiff over three months to oppose the motion. However, a brief additional extension will be granted.

Plaintiff has also requested that she not be required to copy documents she uses in support of her motion if those documents have previously been provided to defendant. The court does not have copy of documents purportedly provided to defendant. Any documents plaintiff intends to use in support of her opposition must be submitted to the court and served on defense counsel. The court does note, however, that the pending motion is a motion to dismiss; generally documents outside of the pleadings are not considered on a motion to dismiss except as to those

1 matters which are subject to judicial notice.

2 Accordingly, IT IS HEREBY ORDERED that:

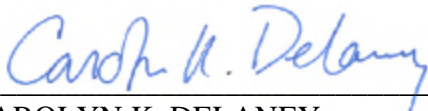
3 1. The hearing date of January 25, 2017 is vacated. Hearing on defendant's motion is  
4 continued to February 22, 2017 at 10:00 a.m. in courtroom no. 24.

5 2. Plaintiff shall file opposition to the motion to dismiss no later than January 18, 2017.

6 Any documents referenced in the opposition must be submitted as exhibits in support of the  
7 opposition, served on defense counsel, and must be properly authenticated and subject to judicial  
8 notice. Failure to file opposition will be deemed as a statement of non-opposition and shall result  
9 in submission of the motion on the papers and a recommendation that this action be dismissed  
10 pursuant to Federal Rule of Civil Procedure 41(b).

11 3. Reply, if any, shall be filed no later than February 1, 2017.

12 Dated: December 1, 2016

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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE

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