1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ANGELICA FRANCES, No. 2:16-cv-1016-JAM-GGH 12 Plaintiff. 13 v. **ORDER** 14 ACCESSIBLE SPACE, INC., et al, 15 Defendants. 16 17 Pending on this court's March 22, 2018 calendar are defendants' Motion to Dismiss, ECF. No. 26, and plaintiff's Motion for Miscellaneous Relief, which is actually an application for a 18 19 restraining order seeking to avoid eviction from her apartment, ECF No. 30. Plaintiff has just 20 yesterday notified the court's courtroom deputy that she is unavailable to attend the hearing on 21 the motions and will not be available until sometime in May, 2018 due to a family health issue. 22 While the court is not unsympathetic with plaintiff's plight, it is not possible to merely move the scheduled hearing to sometime in May as this would have the effect of maintaining a 23 restraint on defendants who have filed opposition papers and were prepared to argue against 24 25 26 ¹ This motion was originally scheduled to be heard on December 7, 2017 but was rescheduled when plaintiff failed to oppose and, in response to an Order to Show Cause, ECF No. 27, why the 27 matter should not be resolved as an unopposed motion, demonstrated good cause for her actions 28 in response. ECF No. 28.

extension of that restraint.² In addition, the court has many questions regarding the facts alleged 1 2 in plaintiff's motion and those alleged in defendants' Opposition, neither of which are offered 3 under penalty of perjury. The court will therefore vacate the March 22 calendar, take the defendants' Motion to 4 5 Dismiss under submission as to which an order will be issued shortly. As to plaintiff's Motion it 6 is up to her to attempt to get an agreement from defendants to hold the eviction they have noticed 7 in abeyance until a May hearing can be held at which both parties will be present and prepared to 8 answer the court's questions. 9 In light of the foregoing IT IS HEREBY ORDERED that: 10 1. Defendants' Motion to Dismiss is removed from the Court's March 22 calendar 11 and taken under submission for issuance of a written Order; 2. 12 Plaintiff's Motion for a restraining order is also removed from calendar subject to 13 an agreement between the parties that it may be heard on the court's calendar of May 3 or May 14 17, 2018. If the parties reach agreement plaintiff is charged with the responsibility to renotice her 15 motion for hearing on the agreed to date. This order does not restrain defendant in any manner, 16 but it is the court's recommendation that the parties work out an agreement to preserve the status 17 quo pending hearing. IT IS SO ORDERED. 18 19 Dated: March 20, 2018 /s/ Gregory G. Hollows 20 UNITED STATES MAGISTRATE JUDGE 21 22 23 24 25 26 ² The parties stipulated to a hearing on the two motions to be in March and defendants' agreed to maintain the status quo, allowing plaintiff to continue to reside in her apartment until the March 27 22, 2018, hearing was held, despite defendants having previously given plaintiff notice to quit.

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ECF No. 32.