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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMELL LAMAR EASON,
Plaintiff,
v.
WALMART STORES, INC.,
Defendant.

No. 2:16-cv-1876 KJM GGH

ORDER

Plaintiff acting in pro se and in forma pauperis sues defendant for alleged civil rights violations. ECF Nos. 1, 7. On March 28, 2017 defendant filed and served a Motion for Judgment on the Pleadings and set a hearing before District Judge Kimberly J. Mueller for June 16, 2017. ECF No. 36. On the same date Judge Mueller’s Courtroom deputy served a Minute Order labeling the motion as defective insofar as based on Eastern District of California Local Rules 302(c)(21) the Motion should have been calendared before the undersigned Magistrate Judge. ECF No. 37. On March 29, 2017 defendant renoticed the hearing before this court to be heard on June 15, 2017 at 9:00 a.m. ECF No. 38. Pursuant to Local Rule 230(c) any Opposition or a Statement of Non-Opposition from plaintiff was thereby due to be filed no later than June 1, 2017. No Opposition or Statement of Non-Opposition having been received, this court issued an Order to Show Cause why the matter should not be dismissed on the ground that the Motion was

1 unopposed in violation of court rules but permitted plaintiff to simultaneously file an Opposition
2 within fourteen (14) days of the issuance of the Order.

3 On June 15, 2017 plaintiff responded to the Order and opined that the matter having been
4 vacated from Judge Mueller's calendar *and no new motion having been noticed* he had no duty to
5 respond. Since it is possible, given the fact that plaintiff is incarcerated in the U. S. Penitentiary
6 at Lompoc plaintiff never received the renoticing document.¹

7 In light of the foregoing IT IS HEREBY ORDERED that:

- 8 1. The Order to Show Cause is withdrawn;
- 9 2. Defendant shall forthwith service plaintiff with a copy of this Order and a copy of
10 the Motion for Judgment on the Pleadings and notify the court through ECF the date the
11 documents were mailed;
- 12 3. The Plaintiff shall have thirty (30) days from the date that defendant's service is
13 postmarked to Oppose defendants Motion for Judgment on the Pleadings;
- 14 4. The court will renote the hearing on the motion, if necessary, upon receipt of the
15 Opposition.

16 **IT IS SO ORDERED.**

17 Dated: June 26, 2017

18 /s/ Gregory G. Hollows
19 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Defendant is hereby informed that service on an incarcerated party does not reach that party
28 through the ECF system and any future documents filed by defendant must be mailed to plaintiff
by defendant at the address reflected on the Civil Docket for this case. E.D. Cal. LR 135.