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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TERRENCE VAIL,
Plaintiff,
v.
CITY OF SACRAMENTO,
Defendant.

No. 2:16-cv-2673 DB PS

ORDER

On November 21, 2018, defendant filed a motion to dismiss.¹ (ECF No. 37.) On December 4, 2018, the hearing of defendant’s motion was continued to January 11, 2019. (ECF No. 39.) On December 28, 2018, plaintiff filed a request for a continuation of the January 11, 2019 hearing. (ECF No. 41.) The request asserts that plaintiff “has retained Attorney Jessica Anne Warne,” “request[s] to sub in Ms. Warne” as plaintiff’s counsel, and asks for “a 1 or 2-month continuance[.]” (Id. at 1.)

Plaintiff is advised that pursuant to Local Rule 182(g), substitution occurs when “[a]n attorney . . . has appeared in an action” and seeks to “substitute another attorney and thereby withdraw from the action[.]” The proposed substitution must “set forth the full name and address of the new individual attorney and shall be signed by the withdrawing attorney, the new attorney,

¹ The parties have consented to Magistrate Judge jurisdiction over this action pursuant to 28 U.S.C. § 636(c)(1). (ECF No. 12.)


1 and the client.” Here, plaintiff’s filing does not provide the address of attorney Warne nor is the
2 filing signed by attorney Warne. And attorney Warne has yet to appear in this action.

3 Nonetheless, given plaintiff’s representations and pro se status, plaintiff’s request will be
4 granted. Plaintiff is cautioned that no further extensions of time will be granted for this purpose
5 absent a showing of good cause.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. Plaintiff’s December 28, 2018 request for a continuation (ECF No. 41) is granted;
- 8 2. The January 11, 2018 hearing of defendant’s motion to dismiss (ECF No. 37) is
9 continued to **Friday, February 15, 2019, at 10:00 a.m.**, at the United States District Court, 501 I
10 Street, Sacramento, California, in Courtroom No. 27, before the undersigned;
- 11 3. Plaintiff shall file an opposition or statement of non-opposition to defendant’s motion
12 to dismiss on or before **February 1, 2019**; and
- 13 4. Plaintiff is cautioned that the failure to timely comply with this order may result in the
14 dismissal of this action.

15 Dated: January 7, 2019

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19 DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE
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24 DB/orders/orders.consent/vail2673.cont.hrg.ord
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