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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YASIR MEHMOOD,
Plaintiff,
v.
TABASSUM SARANI,
Defendant.

No. 2:17-cv-0970 KJM AC PS
ORDER and
FINDINGS AND RECOMMENDATIONS

Plaintiff and defendant are each proceeding in this case in pro per. The proceeding has accordingly been referred to the magistrate judge by E.D. Cal. R. (“Local Rule”) 302(c)(21). This matter is before the court on defendant’s motion to dismiss. ECF No. 72. Because defendant has not identified any grounds for dismissal, the motion must be DENIED.

Defendant contends that the complaint must be dismissed because “the timeline for the Plaintiff to file dispositive motions in this case has expired.” ECF No. 47. This is defendant’s sole contention. Id. The fact that the dispositive motions deadline has expired as to plaintiff is not a proper reason to dismiss a case, and defendant’s motion must be DENIED.

Because the dispositive motions deadline has expired, with both parties having had an opportunity to make dispositive motions (ECF Nos. 47, 68) it is ORDERED that no further dispositive motions by either party will be considered.

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Further, for the reasons explained above, IT IS HEREBY RECOMMENDED that defendant’s motion to dismiss (ECF No. 72) be DENIED.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Id.; see also Local Rule 304(b). Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed with the court and served on all parties within fourteen (14) days after service of the objections. Local Rule 304(d). Failure to file objections within the specified time may waive the right to appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

DATED: February 11, 2019


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE