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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUNG HYUN CHO, et al.,  
Plaintiffs,  
v.  
SELECT PORTFOLIO SERVICING,  
INC., et al.,  
Defendants.

No. 2:17-cv-01073-KJM-CKD (PS)

ORDER

Presently pending before the court are defendants’ motions to dismiss that are currently set for hearing before the undersigned on July 11, 2018 at 10:00 a.m. (ECF Nos. 106, 107, 109, 112, 115, 116.) Plaintiffs, who proceed pro se, have not yet filed any opposition to these motions. However, plaintiffs have requested permission to utilize the court’s electronic filing system (ECF No. 118) and they have attempted to file a motion to compel discovery (ECF No. 117).

According to Local Rule 230, “[o]pposition, if any, to the granting of [a] motion shall be in writing and shall be filed and served not less than fourteen (14) days preceding the noticed (or continued) hearing date.” E.D. Cal. L.R. 230(c). Therefore, plaintiffs were to provide any opposition to the pending motions to dismiss by June 27, 2018. That deadline has passed and plaintiffs have not provided any opposition. In light of plaintiffs’ pro se status, the court postpones the hearing on these motions and grants plaintiffs an extension to file any opposition.

1 The court hereby resets the hearing for Wednesday, August 1, 2018 at 10:00 a.m.

2 As to plaintiffs' pending motions, Local Rule 133 provides that "[a]ny person appearing  
3 pro se may not utilize electronic filing except with the permission of the assigned Judge or  
4 Magistrate Judge. . . . All pro se parties shall file and serve paper documents as required by  
5 applicable Federal Rules of Civil or Criminal Procedure or by these Rules." E.D. Cal. L.R.  
6 133(b)(2). Here, plaintiffs' request to utilize the electronic filing system (ECF No. 118) does not  
7 set forth a compelling reason why the court should deviate from the Local Rules and its standard  
8 practice of disallowing the use of electronic filing by pro se litigants.

9 Local Rule 251 provides in part that a discovery motion "may be had by the filing and  
10 service of a notice of motion and motion scheduling the hearing date on the appropriate calendar  
11 at least twenty-one (21) days from the date of filing and service." E.D. Cal. L.R. 251(a). Here,  
12 plaintiffs failed to file and serve a notice of their motion to compel. Therefore, plaintiffs' motion  
13 to compel (ECF No. 117) is procedurally deficient.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The hearing on defendants' motions to dismiss (ECF Nos. 106, 107, 109, 112, 115,  
16 116) set for July 11, 2018 is VACATED and RESET for August 1, 2018 at 10:00 a.m.  
17 in Courtroom 24 before the undersigned.
- 18 2. Plaintiffs shall file any opposition to the pending motions to dismiss by July 18, 2018.
- 19 3. Plaintiffs' motion to utilize the electronic filing system (ECF No. 118) is DENIED.
- 20 4. Plaintiffs' motion to compel discovery (ECF No. 117) is DENIED without prejudice.

21 Dated: June 29, 2018

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24 CAROLYN K. DELANEY  
25 UNITED STATES MAGISTRATE JUDGE