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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY S. FARR, SR.,
Plaintiff,
v.
IN-SHAPE HEALTH CLUBS, LLC,
CORBIN MARTIN and DOES 1 through
100, inclusive,
Defendants.

Case No. 2:17-cv-01871-JAM-GGH

ORDER

Plaintiff, appearing in pro se, seeks additional time to file an Opposition to defendants’ Motion to Dismiss this case. Since plaintiff states good cause for his request, it will be GRANTED, but clarification of the status of this case is necessary insofar as plaintiff’s request reflects confusion.

The plaintiff filed his action in Solano County Superior Court on July 21, 2017. ECF No. 1 at 6. Defendants removed the case to the Eastern District of California on September 8, 2017, since plaintiff’s claims included Title VII allegations which states a federal question and renders the matter removable. Therefore the matter is now pending in this District where the courthouse is located at 501 “I” Street, Sacramento, CA 95814. Thus, plaintiff’s desire to have the matter venued either in Solano County Superior Court or this District Court has been satisfied.

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1 On September 14, 2017, defendants filed a Motion to Dismiss the Complaint and set the
2 matter for hearing on October 19, 2017. ECF No. 6. Under the Local Rules of this District
3 plaintiff's Opposition or Statement of Non-Opposition to this Motion was due to be filed 14 days
4 before the hearing or on October 5, 2017. Local Rule 230(c).¹ When no timely opposition was
5 received, this court issued an Order to Show Cause why the matter should not be dismissed for
6 failure to oppose defendants' Motion. Plaintiff's request for additional time constituted his
7 response to the Order to Show Cause which is now satisfied.

8 The undersigned has reviewed the parties' submittals regarding the failure to timely file an
9 opposition to the motion to dismiss. Because of the pro se nature of these proceedings,
10 dismissing the case in light of plaintiff's requests would be inappropriate. However, Plaintiff
11 must either file an Opposition to defendants' Motion or file a Statement of Non-Opposition. The
12 result of the latter would be dismissal of the case. Because of the circumstances described in
13 plaintiff's response to the Order to Show Cause the court will grant him 30 days from the date of
14 this Order to file one or the other of these responses. He is warned that failure to do one or the
15 other will result in dismissal of his Complaint.²

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

- 17 1. This Court's Order to Show Cause of October 10, 2017 is withdrawn as satisfied;
- 18 2. The Findings and Recommendations issued October 31, 2017, ECF No. 10 are

19 vacated;

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24 _____
25 ¹ Plaintiff may obtain a copy of the Local Rules so he may be apprised of his responsibilities in
26 proceeding with this matter from the Office of the Clerk of the Court which is on the 2nd Floor of
the Courthouse at 501 "I" Street, Sacramento, CA 95814.

27 ² The court suggests that plaintiff attempt to arrange for mail delivery to some location more
28 convenient to assure that he receives court notices and defendants' filings timely and that he
apprise the Court of any such address change promptly.

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3. Plaintiff shall file either an Opposition or a Statement of Non-Opposition to the pending Motion to Dismiss within 30 days of the issuance of this Order.

IT IS SO ORDERED.

DATED: November 15, 2017

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE