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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CSPC DOPHEN CORPORATION,  
Plaintiff,  
v.  
ZHIXIANG HU,  
Defendant.

No. 2:17-cv-1895 MCE DB PS

ORDER

On May 29, 2018, this matter was referred to the undersigned pursuant to Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1) because defendant was proceeding in this action pro se. (ECF No. 68.) However, on March 1, 2019, attorney Jack Duran, Jr., filed a substitution of attorney on behalf of defendant. (ECF No. 172.) That substitution will be granted.

Attorney Duran also provided a declaration seeking: (1) leave to file a first amended cross-complaint; (2) a 120-day extension of the discovery deadline; and (3) additional time to respond to discovery “motions presently scheduled to be heard on March 8, 2019.” (ECF No. 172-1 at 2.) Although the undersigned did issue the current schedule in this action, because defendant is no longer proceeding pro se, this action is no longer referred to the undersigned pursuant to Local Rule 302(c)(1). Therefore, the undersigned cannot grant defendant leave to file an amended cross-complaint nor an extension of the discovery deadline. Those matters will have to be addressed by the assigned District Judge.

1           However, pursuant to Local Rule 302(c)(1), the pending discovery motions remain  
2 referred to the undersigned. And the undersigned previously continued the hearing of those  
3 motions from March 8, 2019, to March 22, 2019. (ECF No. 171.) If defendant needs additional  
4 time, defendant shall first confer with plaintiff's counsel and seek a stipulation.

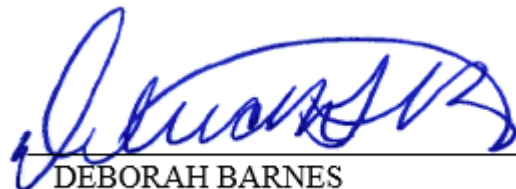
5           In short, because defendant is no longer proceeding pro se, Local Rule 302(c)(21) no  
6 longer applies and, accordingly, the case will be referred back to the assigned District Judge.  
7 Therefore, all pretrial motions, other than discovery motions, should now be noticed for hearing  
8 before the District Judge assigned to this action. The assigned magistrate judge shall continue to  
9 perform all duties described in Local Rule 302(c)(1)-(20).

10           Accordingly, IT IS HEREBY ORDERED that:

- 11           1. Counsel's request to substitute in as counsel of record (ECF No. 172) is granted;
- 12           2. This matter is referred back to the District Judge assigned to this action pursuant to  
13 Local Rule 302(c)(21);
- 14           3. The March 22, 2019 hearing of defendant's motion for leave to file a second amended  
15 counterclaim is vacated and shall be re-noticed before the assigned District Judge<sup>1</sup>; and
- 16           4. Henceforth the caption on documents filed in this action shall be  
17 No. 2:17-cv-1895 MCE DB with the "PS" designation being eliminated.

18           IT IS SO ORDERED.

19           Dated: March 6, 2019

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23 DEBORAH BARNES  
24 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> The pending discovery motions, however, shall remain on the March 22, 2019 calendar.