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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAN BAILEY,

Plaintiff,

v.

ENLOE MEDICAL CENTER,

Defendant.

No. 2:18-CV-0055-KJM-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action for wrongful termination. Pending before the court are: (1) plaintiff’s motion to strike defendant’s motion for summary judgment (ECF No. 42); (2) plaintiff’s motion for leave to amend (ECF No. 43); and (3) plaintiff’s motion for a one-day extension of time (ECF No. 45).

Plaintiff’s motion to strike and motion for leave to amend will be stricken because they were not properly noticed. Except in cases where one party is incarcerated and proceeding pro se, all motions must be noticed for hearing on the assigned Magistrate Judge’s or District Judge’s calendar. See Local Rule 230(b), (1). Here, neither motion was noticed for hearing.

Plaintiff’s motion for a one-day extension of time will be denied as late. On December 4, 2019, the court granted plaintiff’s prior motion for an extension of time to December 6, 2019, to file an opposition to defendant’s pending motion for summary judgment.

1 No opposition was filed by that date. On December 27, 2019 – three weeks after expiration of
2 the previously extended deadline – plaintiff filed the instant motion for an additional extension
3 of time. Because the motion was filed after the deadline sought to be extended, it is untimely
4 and will be denied as such.¹

5 Defendant’s motion for summary judgment, which is unopposed at this time, will
6 be addressed by separate findings and recommendations.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff’s motion to strike (ECF No. 42) and plaintiff’s motion for leave
9 to amend (ECF No. 43) are stricken; and
- 10 2. Plaintiff’s motion for a one-day extension of time (ECF No. 45) is denied
11 as untimely.

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14 Dated: January 13, 2020



15 DENNIS M. COTA
16 UNITED STATES MAGISTRATE JUDGE

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27 _____
28 ¹ Plaintiff states the additional day is needed in order to obtain notarized signatures on his
opposition. Plaintiff’s motion thus fails to establish the need for an extension because notarized signatures are not
required on an opposition to a motion.