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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD GIDDENS,

Plaintiff,

v.

SOLANO COUNTY, et al.,

Defendants.

No. 2:19-cv-0019-KJM-EFB PS

ORDER

Defendants filed a motion to dismiss plaintiff’s first amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), which they noticed for hearing on October 9, 2019. ECF No. 38. Local Rule 230(c) provides that opposition to the granting of a motion, or a statement of non-opposition thereto, must be served upon the moving party, and filed with this court, no later than fourteen days preceding the noticed hearing date or, in this instance, by September 25, 2019. The moving party may file a reply to any opposition not less than seven days before the hearing. E.D. Cal. L.R. 230(d).

Plaintiff filed an opposition to defendants’ motion, but he did not file it until October 4, 2019. By waiting to file his opposition until less than a week before the hearing, he has deprived defendants of an opportunity to respond to the arguments raised in his opposition. Accordingly, the hearing on defendants’ motion will be continued to allow them to file a reply to plaintiff’s opposition.

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Accordingly, it is hereby ORDERED that:

1. The hearing on defendants’ motion to dismiss is continued to November 6, 2019 at 10:00 a.m. in Courtroom No. 8.
2. Defendants may file a reply to plaintiff’s opposition on or before October 23, 2019.

DATED: October 7, 2019.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE