

(Docket No. 57)

17 On March 13, 2007, plaintiff, a California prisoner currently incarcerated at the Yuba 18 County Jail in Marysville, California, and proceeding pro se, filed the above-titled civil 19 action against defendant Washington Mutual Bank ("WMB"), alleging breach of contract as 20 well as violations of the Fair Credit Reporting Act (15 U.S.C. § 1681, et seq.), the Fair 21 Housing Act (42 U.S.C. §§ 3604 & 3605), and the Civil Rights Act (42 U.S.C. § 1981). By 22 order dated February 1, 2008, the Court granted WMB's motion to compel arbitration of the 23 action under the Federal Arbitration Act ("FAA"). In so doing, the Court stayed all further 24 proceedings in this matter pending arbitration, and directed the parties to notify the Court 25 within ten days of the arbitrator's decision.

26 Now before the Court is WMB's petition to confirm the award issued by the arbitrator 27 on September 21, 2009, denying all of plaintiff's claims for relief. Also before the Court is 28 plaintiff's "Emergency Motion for Thirty (30) Days Extension of Time to File Appeal and

Review to the Improper Arbitration Award from Arbitrator Robert W. Brown, Esq." (Docket 1 No. 57.) Specifically, plaintiff seeks an extension of time to file a motion to "vacate [and] set 2 3 aside" the arbitration award, on the ground the award should not have been issued due to plaintiff's inability to attend the arbitration hearing because the Court had not yet ruled on his 4 5 request to be transported to the hearing. WMB has opposed plaintiff's request.

6 Good cause appearing, plaintiff's request is hereby GRANTED. Within thirty (30) days of the date this order is filed plaintiff shall file and serve on defendant a brief that includes <u>both</u> his opposition to WMB's petition to confirm the arbitration award <u>and</u> his motion to vacate the arbitration award. Within twenty (20) days of the date plaintiff's brief is filed, defendant shall file a response thereto. Defendant's petition to confirm the arbitration award and plaintiff's motion to vacate the arbitration award will be deemed 12 submitted on the date defendant's response is due.

13 In view of the above, the hearing on defendant's petition to confirm the arbitration 14 award, set for December 4, 2009, is hereby VACATED. No hearings will be held in this 15 matter without prior Court order.

This order terminates Docket No. 57.

IT IS SO ORDERED.

18 DATED: November 23, 2009

Tapine M. Chesney

United States District Judge

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