

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARLON E. PAGTAKHAN; et al.,

No. C 08-2188 SI (pr)

Plaintiffs,

**ORDER RE. BRIEFING ON PENDING  
MOTION TO DISMISS**

v.


JOHN DOE, detective; et al.,

Defendants.

Defendants Witt and City of Burlingame filed a motion to dismiss the second amended complaint on January 2, 2014. When the court has not set a different briefing schedule, the parties must comply with the deadlines in the Local Rules. Under Northern District of California Local Rule 7-3(a), "[t]he opposition must be filed and served not more than 14 days after the motion was filed." Plaintiffs missed the deadline to file their opposition to the motion to dismiss. In the interest of justice, the court will once again excuse the failure to comply with the local rules because the plaintiffs are proceeding *pro se*. However, the court has repeatedly warned plaintiffs of the need to comply with court orders and local rules, *see* Docket # 67 at 2-3, and will not further warn them. The court now sets the following new briefing schedule on the motion to dismiss: Plaintiffs must file and serve their opposition to the motion to dismiss no later than **February 3, 2014**. Defendants must file and serve their reply (if any) no later than **February 12, 2014**. The hearing scheduled for February 28, 2014 for defendants' motion to dismiss is now VACATED. The court will decide the matter on the parties' written submissions.

IT IS SO ORDERED.

Dated: January 24, 2014

  
SUSAN ILLSTON  
United States District Judge