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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES M. LOVELACE,

No. C 10-03772 WHA

Plaintiff,

v.

**ORDER REGARDING
PLAINTIFF'S RESPONSE TO
ORDER TO SHOW CAUSE AND
MOTION TO CONTINUE**

AURORA LOAN SERVICES LLC,

Defendant.
_____ /

Plaintiff, who is pursuing this action *pro se*, failed to file an opposition or a statement of nonopposition to defendant's motion to dismiss. He was ordered to show cause for his failure. His response states that he did not understand what was meant by defendant's renoticing its motion after this action was reassigned to the undersigned (*see* Dkt. No. 14). Pursuant to the reassignment order, defendant renoticed the motion that had previously been pending for a new hearing date. Plaintiff's declaration states that he did not receive defendant's original moving papers, but this is in conflict with the certificate of service showing that the papers were sent to plaintiff's address of record (Dkt. No. 6).

Nevertheless, plaintiff's response to the order to show cause demonstrates excusable neglect for not filing an opposition or statement of nonopposition to defendant's motion. Plaintiff was confused by the renoticing of the motion for a new hearing date which was not accompanied by the original moving papers, even if those papers were earlier served. *Pro se* parties without legal counsel must still meet deadlines, but plaintiff will be given another chance due to his

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confusion. He may oppose defendant's motion by **DECEMBER 3, 2010, AT NOON**. Defendant may reply by **DECEMBER 10, 2010, AT NOON**.

Plaintiff also moves "for continuance of [the] November 18, 2010 hearing date for defendant[s] motion to dismiss." That hearing was already vacated in the order to show cause referenced above. Accordingly plaintiff's motion to continue is **DENIED AS MOOT**.

In plaintiff's motion he states that he intends to get legal counsel to help him prepare his opposition to defendant's motion and implies that he cannot prepare an opposition without this help. Plaintiff is expected to comply with deadlines in this action regardless of whether he obtains counsel.

IT IS SO ORDERED.

Dated: November 16, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE