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## UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

TRIBAL COURT SERVS.,

No. C 14-04167 LB

Plaintiff,

v.

ANTONIO MOLINAR,

Defendant.

**ORDER REQUIRING PARTIES TO  
(1) MEET AND CONFER AND (2)  
PROVIDE THE COURT WITH A  
STATUS UPDATE REGARDING  
PLAINTIFF'S MOTION TO DISMISS**

Plaintiff Tribal Court Services ("TCS") filed a complaint against Defendant Antonio Molinar (who currently is an inmate at San Quentin State Prison) on September 16, 2014, and he was served with it on October 7, 2014. (Complaint, ECF No. 1; 10/14/2014 Proof of Service, ECF No. 8; *see also* 9/24/2014 Proof of Service, ECF No. 7.<sup>1</sup>) On December 10, 2014, after he retained counsel, Mr. Molinar filed his answer. (Answer, ECF No. 16.)

On December 22, 2014, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, TCS filed a motion titled "Motion to Dismiss Without Prejudice to Pursue Contractual Arbitration." (Motion, ECF No. 17.) The proposed order TCS filed asks the Court to order the "Clerk of the Court shall enter the Dismissal without prejudice of this action. The Court retains no further jurisdiction. The Clerk is instructed to close the file." (Proposed Order, ECF No. 17-2.) Mr.

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<sup>1</sup> Record citations are to documents in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 Molinar, after missing the deadline to timely oppose TCS’s motion, filed a motion titled  
2 “Defendant’s Ex Parte Motion to Extend Time for Response to and Hearing on Plaintiff’s Motion  
3 for Dismissal Without Prejudice to Pursue Contractual Arbitration . . . .” (Motion, ECF No. 19.)  
4 Mr. Molinar’s motion requests “that the hearing date and its corresponding response be continued  
5 for a minimum of 30 days . . . .” (Motion, ECF No. 19.) This suggests that Mr. Molinar may  
6 believe TCS’s motion also asks the Court to compel arbitration, which it does not. (*See* Motion,  
7 ECF No. 17 at 1; Proposed Order, ECF No. 17-2.)

8 To clear up the confusion, and perhaps to facilitate any briefing or stipulated resolution, the  
9 Court orders the parties to meet and confer about the issue no later than by the close of business on  
10 Thursday, January 22, 2015. Counsel then must file a status update no later than by the close of  
11 business on Friday, January 23, 2015.

12 **IT IS SO ORDERED.**

13 Dated: January 20, 2015



14 LAUREL BEELER  
15 United States Magistrate Judge  
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