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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

VESNA BIVOLAREVIC,  
Plaintiff,  
vs.  
U.S. CIA,  
Defendant.

Case No: C 09-4620 SBA

**ORDER**

Docket 11, 20, 26, 27

16 On September 30, 2009, Plaintiff filed a pro se complaint against the CIA (presumably  
17 meaning the Central Intelligence Agency) alleging that she has been subjected to “voice to skull  
18 technology (in different forms) since . . . January 2005.” Compl. at 1, Docket 1. Defendant’s  
19 motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) is scheduled  
20 for hearing on March 9, 2010. Under Civil Local Rule 7-3(a), Plaintiff’s opposition to the motion  
21 is due by February 16, 2010.<sup>1</sup>

22 Defendant has filed an administrative motion to continue the Case Management Conference  
23 from January 13, 2010, until after the resolution of the motion to dismiss. (Docket 11.) Plaintiff  
24 has filed two motions to continue the Case Management Conference to January 26, 2010. (Docket  
25 20, 26.) However, the Court previously continued the Case Management Conference from January  
26

27  
28 <sup>1</sup> The parties are advised that the Court may resolve the motion without oral argument in  
accordance with Federal Rule of Civil Procedure 78(b).

1 13, 2010 to March 9, 2010, to follow the hearing on the motion to dismiss. Therefore, both  
2 motions to continue are denied as moot.

3 Plaintiff also has filed a “Request to Check the Validity of the Defendant’s Motion to  
4 Dismiss (sic) the Complaint.” (Docket 27.) Though not entirely clear, it appears that Plaintiff’s  
5 request is an attempt to respond to Defendant’s motion to dismiss. If so, Plaintiff’s submission is  
6 insufficient. To the extent Plaintiff intends to oppose the Defendant’s motion, she must respond  
7 directly to the arguments presented in Defendant’s motion, which her submission fails to do.  
8 Plaintiff’s opposition is due on February 16, 2010. Plaintiff is advised to review Rule 7 of the Civil  
9 Local Rules, which governs the filing of motions and oppositions in civil cases pending before the  
10 Court. Plaintiff is warned that the failure to file an opposition by February 16, 2010, may be  
11 deemed to be a consent to the granting of the motion, meaning that her case will be dismissed with  
12 prejudice. See Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995); Ferdik v. Bonzelet, 963 F.2d  
13 1258, 1260-61 (9th Cir. 1992). Though Plaintiff is representing herself in this matter, she is  
14 expected to comply with all applicable procedural rules the same as any represented party. See  
15 King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987).

16 Finally, Plaintiff has filed a “Notice Regarding the Material/Mail Received by Plaintiff  
17 Since January 2010, Its Content, and Case’ (sic) Relevant Questions from the Plaintiff.” (Docket  
18 30.) In her notice, Plaintiff questions why certain material was sent to her by Defendant’s counsel  
19 and the Court. Plaintiff’s notice, which does not seek any specific relief from the Court, is  
20 improper, as it is not in compliance with the Local Rules. Plaintiff is warned that any papers that  
21 are not authorized by a statute, the Federal Rules of Civil Procedure, the Court’s Local Rules or are  
22 not in response to an order of the Court will not be considered. Accordingly,

23 IT IS HEREBY ORDERED THAT:

- 24 1. Plaintiff and Defendant’s respective motions to continue the Case Management  
25 Conference (Docket 11, 20, 26) are DENIED as moot.
- 26 2. Plaintiff’s “Request to Check the Validity of the Defendant’s Motion to Dismiss  
27 (sic) the Complaint” (Docket 27) is DENIED.

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3. Plaintiff is ordered to file her opposition to Defendant's motion to dismiss by no later than February 16, 2010. Failure to file an opposition by that date may be deemed to be a consent to the granting of Defendant's motion to dismiss.

IT IS SO ORDERED.

Dated: January 11, 2010

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 VESNA BIVOLAREVIC,

5 Plaintiff,

6 v.

7 U.S. CIA et al,

8 Defendant.

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9 Case Number: CV09-04620 SBA

10 **CERTIFICATE OF SERVICE**

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on January 12, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 Vesna Bivolarevic  
19 P.O. Box 1056  
20 Redwood City, CA 94064

21 Dated: January 12, 2010

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk  
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