

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

PHU G. HUYNH,

No. C 11-3195 CW

Plaintiff,

ORDER TAKING  
MOTION TO DISMISS  
UNDER SUBMISSION  
ON THE PAPERS AND  
SETTING BRIEFING  
SCHEDULE  
(Docket No. 27)

v.

UNITED STATES POSTAL SERVICE and  
PATRICK R. DONAHOE, Postmaster  
General,

Defendants.

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On October 18, 2011, the Court issued an order referring pro se Plaintiff Phu G. Huynh to the Federal Legal Help Center (FLHC) and directed the FLHC to make efforts to find counsel for the limited purpose of assisting Plaintiff with court-connected mediation. The Court further ordered that, if FLHC was able to locate counsel within thirty days, the ADR unit would set the case for court-connected mediation within ninety days, and that if FLHC was unable to locate counsel within thirty days, the case would be referred to a Magistrate Judge for a settlement conference within ninety days thereafter.

22 On October 18, 2011, Defendant Patrick Donahoe filed a motion  
23 to dismiss and noticed a hearing on the matter for December 1,  
24 2011. The Court hereby vacates the current briefing and hearing  
25 schedule for the motion to dismiss, and establishes the following  
26 schedule:

27 Plaintiff shall file his opposition to the motion to dismiss  
28 within twenty-eight days after the motion was filed, that is, by

1 Tuesday, November 15. If Plaintiff fails to file an opposition to  
2 the motion to dismiss by that date, this case will be dismissed  
3 for failure to prosecute.

4 Defendant shall his reply, if any, to Plaintiff's opposition  
5 by Tuesday, November 22, 2011.

6 The Court will decide the motion to dismiss on the papers,  
7 after the court-connected mediation or settlement conference  
8 discussed above takes place.

9 IT IS SO ORDERED.

10  
11 Dated: 10/24/2011

  
CLAUDIA WILKEN  
United States District Judge