

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 RAUL BONILLAS, an individual,

6 Plaintiff,

7 vs.

8 UNITED AIR LINES, INC., and DOES 1
9 through 10, inclusive,

10 Defendants.

Case No: C 12-6574 SBA

**ORDER DIRECTING PLAINTIFF
TO FILE A RESPONSE TO
DEFENDANT'S MOTION FOR DE
NOVO DETERMINATION OF
DISPOSITIVE MATTER
REFERRED TO MAGISTRATE
JUDGE**

Dkt. 193

11 On August 19, 2014, the Court granted Defendant's motion for summary judgment
12 and entered judgment accordingly. Dkt. 145, 146. Defendant then filed a motion for
13 attorney's fees, which the Court referred to Magistrate Judge Elizabeth D. Laporte ("the
14 Magistrate") for a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B) and
15 Fed. R. Civ. P. 72(b). Dkt. 149, 151. On February 18, 2015, the Magistrate issued her
16 report and recommendation, recommending that the Court deny Defendant's motion. Dkt.
17 191.

18 On March 4, 2015, Defendant timely filed a Motion for De Novo Determination of
19 Dispositive Matter Referred to Magistrate Judge, which is noticed for hearing on April 14,
20 2015. Dkt. 193. Under the Court's Local Rules, Plaintiff's response to Defendant's motion
21 should have been filed by no later than March 18, 2015. Civ. L.R. 7-3(a). To date, no
22 opposition has been filed by Plaintiff. Although Plaintiff's lack of response may be
23 construed as a consent to the relief sought in Defendant's motion, the preferable course of
24 action in this instance is to consider the motion on the merits. See Omstead v. Dell, Inc.,
25 594 F.3d 1081, 1084 (9th Cir. 2010). Accordingly,

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IT IS HEREBY ORDERED THAT:


1. Plaintiff shall file his opposition, or statement of non-opposition, to Defendant's Motion for De Novo Determination of Dispositive Matter Referred to Magistrate Judge, by no later than **April 9, 2015**.

2. Defendant shall file its reply by **April 14, 2015**.

3. The Court will resolve the motion without a hearing, pursuant to Civil Local Rule 7-1(b). The motion hearing scheduled for April 14, 2015 is VACATED.

IT IS SO ORDERED.

Dated: 4/2/15


SAUNDRA BROWN ARMSTRONG
United States District Judge