

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

LISBEH BARRIENTOS,

Plaintiff,

No. C 14-03092 JSW

v.

**ORDER RESETTING
DEADLINES AND HEARINGS**

PORTFOLIO RECOVERY ASSOCIATES,

Defendant.

On July 8, 2014, Defendant removed this case from San Mateo County Superior Court. On July 15, 2014, Defendant moved to dismiss, and on July 18, 2014, Magistrate Judge Corley, to whom the case was assigned initially, reset the hearing date and motions deadlines. (Docket Nos. 8, 10.) On August 7, 2014, Plaintiff filed a motion to remand. (Docket No. 12.) On August 12, 2014, the matter was reassigned to this Court. Defendant re-noticed its motion to dismiss, which is now set for hearing on September 19, 2014. Plaintiff has not filed an opposition to that motion, and on August 25, 2014, Defendant filed its reply and asks the Court to grant the motion as unopposed.

Although the order of reassignment stated that any briefing deadlines would not change, when Defendant re-noticed its motion to dismiss, it also docketed deadlines for Plaintiff's opposition and its reply that differed from those set by Magistrate Judge Corley. Because Plaintiff is proceeding without counsel, and in order to alleviate any possible confusion, the Court shall provide Plaintiff with **one final opportunity to file an opposition to the motion to dismiss, and it shall continue the hearing on the motion to dismiss.**

1 Because Plaintiff did not re-notice her motion for remand to a date on this Court's
2 calendar, in accordance with the order reassigning the case, the Court will hear the motion to
3 remand and the motion to dismiss on the same date.

4 Accordingly, the Court CONTINUES the hearing on the motion to dismiss from
5 September 19, 2014, to October 10, 2014 at 9:00 a.m. in Courtroom 5, 1301 Clay Street,
6 Oakland, California. The Court shall hear Plaintiff's motion to remand on that same date.

7 Plaintiff shall file an opposition to the motion to dismiss by no later than September 6,
8 2014, and Defendant may file a reply by no later than September 13, 2014. If Plaintiff fails to
9 file an opposition by September 6, 2014, the Court shall deem the motion to dismiss as
10 submitted.

11 If Plaintiff intends to file a reply in support of her motion to remand, she must do so by
12 no later than September 13, 2014.

13 If the Court finds either of the motions suitable for disposition without oral argument, it
14 shall notify the parties in advance of the hearing date.

15 Finally, Plaintiff is HEREBY ADVISED that the Handbook for Pro Se Litigants,
16 contains helpful information about proceeding without an attorney, is available through the
17 Court's website or in the Clerk's office. The Court also advises Plaintiff that she also may wish
18 to seek assistance from the Legal Help Center. Plaintiff may sign up for a free appointment at
19 the Legal Help Center with an attorney who may be able to provide basic legal help, but not
20 legal representation, by calling 415-782-8982 or by signing up in person at the Legal Help
21 Center at the United States District Court in San Francisco, 450 Golden Gate Avenue, 15th
22 Floor, Room 2706, or at the Legal Help Center at the United States District Court in Oakland,
23 1301 Clay Street, 4th Floor, Room 470S.

24 **IT IS SO ORDERED.**

25
26 Dated: August 26, 2014



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

BARRIENTOS,
Plaintiff,

Case Number: CV14-03092 JSW

CERTIFICATE OF SERVICE

v.


PORTFOLIO RECOVERY ASSOCIATES
et al,
Defendant.

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

That on August 26, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lisbeh Barrientos
P.O. Box 610037
Redwood City, CA 94061

Dated: August 26, 2014


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk