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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 FERNANDO GASTELUM, an individual,
12 Plaintiff,

13 v.

14 PINNACLE HOTEL CIRCLE LP dba
15 Comfort Inn and Suites San Diego Zoo
16 SeaWorld Area,
17 Defendant.

Case No.: 21-CV-1458 JLS (DEB)

**ORDER STRIKING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

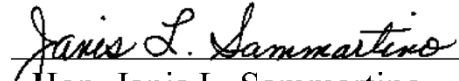
(ECF No. 36)

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19 Presently before the Court is Plaintiff's Motion for Summary Judgment (ECF No.
20 36). The Motion was filed without Plaintiff first obtaining a hearing date from chambers,
21 in violation of Civil Local Rules 7.1(b) and 7.1(f)(1). "The requirement that a party obtain
22 a hearing date from the judge's clerk is no empty formality; it is a rule of substantial
23 importance. Under Civil Local Rule 7.1(e)(1)–(3), the hearing date sets in motion a
24 calendar for the filing of opposition and reply briefs." *Kashin v. Kent*, No.
25 02CV2495LAB(WMC), 2007 WL 1975435, at *1 (S.D. Cal. Apr. 26, 2007), *aff'd*, 342 F.
26 App'x 341 (9th Cir. 2009). Plaintiff's failure to comply with the Civil Local Rules is
27 grounds to reject the filing. *See id.* at *2; *see also* S.D. Cal. CivLR 83.1(a) (providing that
28 failure to comply with the Civil Local Rules "may be grounds for imposition by the Court

1 of any and all sanctions authorized by statute or rule or within the inherent power of the
2 Court”). Accordingly, the Court **STRIKES** the Motion for failure to comply with this
3 District’s Civil Local Rules. Plaintiff **MAY REFILE** the Motion in accordance with
4 appropriate Court procedures.

5 **IT IS SO ORDERED.**

6 Dated: May 18, 2023


7 Hon. Janis L. Sammartino
8 United States District Judge
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