

1 decided without additional discovery. Finally, the Court is convinced that a continuation of the
2 deadline to file a discovery plan and scheduling order is warranted based upon the merits of
3 Defendant's Motion to Dismiss.

4 In addition, Local Rule 7-2(d) provides that "The failure of an opposing party to file points
5 and authorities in response to any motion shall constitute a consent to the granting of the motion."
6 Plaintiff did not file points and authorities in response to Defendants' instant motion to continue the
7 deadline. Therefore, Plaintiff is considered to have consented to the granting of Defendants' motion
8 under LR 7-2(d). Accordingly,

9 **IT IS HEREBY ORDERED** Defendants' Second Motion to Continue Deadline to File
10 Discovery Plan and Scheduling Order (ECF No. 37) is **granted**.

11 **IT IS FURTHER ORDERED** that the parties shall have fourteen (14) days from the entry
12 of an order denying Defendants' Motion to Dismiss to file a proposed discovery plan and scheduling
13 order.

14 DATED this 5th day of January, 2017.

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17 GEORGE FOLEY, JR.
18 United States Magistrate Judge
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