

FILED

1 Charles Nichols
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In Pro Per
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2013 DEC -9 AM 11: 53

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: 

8 United States District Court
9 Central District of California
10

11 Charles Nichols,

12 PLAINTIFF,

13 vs.

14 KAMALA D. HARRIS, Attorney

15 General, in her official capacity as

16 Attorney General of California

17
18 Defendant.
19
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Case No.: CV-11-9916 SJO (SS)

**PLAINTIFF CHARLES NICHOLS'
OBJECTION TO DEFENDANT
HARRIS' ERRATA FILING(S)**

Date: Vacated

Time: Vacated

Crtrm: 23 - 3rd Floor

Magistrate Judge: Suzanne H. Segal

District Judge: S. James Otero

Trial Date: None

Action Filed: November 30, 2011

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23 Pro Se Plaintiff Charles Nichols, In Pro Per, hereby objects to Defendant
24 Harris' Errata Filing(s) filed on December 3, 2013.

25 On June 12, 2013 this Court issued a Scheduling Order in which it stated
26 "any opposition to the motion shall be served and filed not later than fourteen (14)
27 days after service of the motion" Dkt # 107, p.g., 3, lines 7-9 and "Failure to timely
28

1 file an opposition to a motion may be deemed by the Court to constitute the non-
2 moving party's consent to the granting of the relief sought, pursuant to Local Civil
3 Rule 7-12." P.g., 3 lines 13-16.

4 On November 8, 2013, Plaintiff filed a Motion for Partial Summary
5 Judgment. This court, sua sponte, gave Defendant Harris an additional ten days to
6 file her opposition to Plaintiff Nichols' Motion for Partial Summary Judgment (Dkt
7 # 137 which Plaintiff Harris did on the very last day - December 2, 2013 (Dkt #
8 140).

9 After Plaintiff Harris filed her Objection to Plaintiff Nichols' motion for
10 Partial Summary Judgment, she subsequently filed an untimely Memorandum Of
11 Points And Authorities In Opposition To Plaintiff Charles Nichols's Motion For
12 Partial Summary Judgment (Dkt # 141-1) stylized as a Notice of Errata (Dkt #
13 141).

14 Defendant Harris did not file any motion with this Court asking to submit a
15 late filing.

16 Plaintiff Nichols is not allowed to file via ECF nor is he registered to receive
17 filings electronically. Plaintiff Nichols has never consented to being served with
18 filings electronically. Defendant Harris is required to file her briefs on Plaintiff
19 Nichols by mail.

20 Plaintiff Nichols was not given any additional time to serve and file his
21 response to Defendant Harris' Opposition to his Motion for Partial Judgment on
22 the pleadings. Plaintiff Nichols was given just seven days from Defendant Harris'
23 filing of December 2, 2013 to file his reponse. Plaintiff Nichols timely filed his
24 response to Defendant Harris' Opposition To Plaintiff Charles Nichols's Motion
25 For Partial Summary Judgment on December 9, 2013.

26 Plaintiff Nichols is not an attorney and does not have the resources available
27 to Defendant Attorney General Harris. Plaintiff Nichols needs every minute of the
28 short response period (7 days) allotted to him. Unlike Defendant Harris, Plaintiff

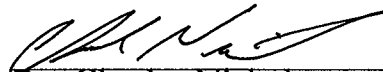
1 Nichols was not given any additional time to respond to Defendant Harris'
 2 oppositions. This placed Plaintiff Nichols in the impossible position of having to
 3 choose between filing his response to Defendant Harris' timely filed Opposition
 4 (Dkt #140) or responding to her untimely filed Opposition (Dkt 141) in the far less
 5 than seven days from receipt of her late filed Opposition and Plaintiff Nichols
 6 filing deadline of December 9, 2013.

7 Defendant Harris was allotted more than ample time to file her timely
 8 Opposition (Dkt #140). Were this Court to allow Defendant Harris to disregard
 9 this Court's own filing deadline (particularly given that Defendant Harris was
 10 given far more than 14 days to file her Opposition) and were this Court to accept
 11 Defendant Harris' untimely filing(s) it would deny Plaintiff Nichols' due process
 12 and violate F.R.C.P Rule 1.

13 Plaintiff Nichols has complied with all of this Court's scheduling orders.
 14 Plaintiff Nichols has timely filed his response to Defendant Harris' timely filed
 15 Objection. This Court should disregard and/or strike Defendant Harris' late
 16 filing(s).

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 22 Dated: December 9, 2013

Respectfully submitted,

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25 By: Charles Nichols
 26 PLAINTIFF in Pro Per
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CERTIFICATE OF SERVICE

On this, the 8th day of November, 2013, I caused to be served a copy of the foregoing **PLAINTIFF CHARLES NICHOLS' OBJECTION TO DEFENDANT HARRIS' ERRATA FILING(S)** by US Mail on:

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jonathan.eisenberg@doj.ca.gov

LEAD ATTORNEY / ATTORNEY TO BE NOTICED representing Kamala D Harris
(Defendant).

Executed this the 9th day of December, 2013 by:

A handwritten signature in black ink, appearing to read 'Charles Nichols', written over a horizontal line.

Charles Nichols