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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FOX HOLLOW OF TURLOCK OWNERS' ASSOCIATION, et al.,)	1:03cv5439 OWW DLB
)	
)	ORDER DENYING DEFENDANT'S APPLICATION TO CONTINUE HEARING (Document 710)
Plaintiffs,)	
v.)	ORDER TAKING HEARING OFF CALENDAR
RICHARD SINCLAIR, et al.,)	
)	
Defendants.)	

On June 27, 2011, this Court issued an Order to Show Cause to Defendant Richard Sinclair why sanctions should not be imposed under Rule 11(c)(3) for violations of Rule 11(b) in moving to disqualify opposing counsel. The Court set the hearing for August 12, 2011. The Court also ordered Mr. Sinclair to file a written response to the Order to Show Cause by July 29, 2011. He has failed to do so.

On August 1, 2011, Mr. Sinclair filed an application to advance the August 12, 2011, hearing to August 26, 2011. According to Mr. Sinclair, he has "a Court matter in another town previously set" and he "cannot be in both places at once." Declaration of Richard Sinclair, ¶ 3.

Plaintiffs opposed the application on August 1, 2011, and submitted evidence demonstrating that Mr. Sinclair filed a request to move a hearing in the Northern District to August 12, 2011, three days after the Court's June 27, 2011, order. Exhibits A and B, attached to Declaration of John Dunn.

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Mr. Sinclair has failed to file a timely written response as ordered by this Court. Accordingly, he is not entitled to be heard and the August 12, 2011, hearing is TAKEN OFF CALENDAR. The Court will issue a written order.

Mr. Sinclair's application to advance the hearing is therefore DENIED.

IT IS SO ORDERED.

Dated: August 2, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE