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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

TOMMY ALLEN, BROOKE ALLEN,  
a minor suing through her legal  
representative, TOMMY ALLEN,

Plaintiffs,

v.

FRESNO CITY POLICE OFFICER  
DERIK KUMAGAI, FRESNO POLICE  
OFFICER VALERIE DUNN, FRESNO  
POLICE DETECTIVE ROBERT  
LINCOLN, FRESNO COUNTY  
SHERIFF DEPUTY CHRISTIAN  
CURTICE, FRESNO COUNTY SHERIFF  
DEPUTY JARED WILLIAMSON,  
FRESNO COUNTY SHERIFF DEPUTY  
ROMEO GRAJEDA, UNKNOWN LAW  
ENFORCEMENT OFFICERS, and  
COUNTY OF FRESNO, CALIFORNIA,

Defendants.

) NO. 1:06-CV-01469-AWI-SMS  
)  
) ORDER VACATING APRIL 5,  
) 2010 HEARING DATE AND  
) TAKING MATTER UNDER  
) SUBMISSION

Defendants' motion to dismiss has been set for hearing in this case on April 5, 2010.

The court has reviewed the papers and has determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of April 5, 2010, is VACATED, and the parties shall not appear at that time. As of April 5, 2010, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

**Dated: March 31, 2010**

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE