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

UNITED STATES OF AMERICA,)	NO. 1: 06-CV-01630-AWI-GSA
)	
Plaintiff,)	ORDER SETTING BRIEFING
)	SCHEDULE REGARDING
v.)	DEFENDANT CHARLES
)	UPTERGROVE’S MOTION TO VOID
CHARLES WAYNE UPTERGROVE,)	JUDGMENT
et al.,)	
)	ORDER CONTINUING PLAINTIFF’S
Defendants.)	MOTION FOR AN ORDER TO
)	VACATE TO AUGUST 30, 2010

In this action, Plaintiff United States of America (“Plaintiff”) obtained a judgment and order that reduced federal tax assessments to judgment, allowing Plaintiff to foreclose on Defendants’ property. On November 18, 2009, the court ordered Defendants to vacate their property by December 1, 2009. On November 23, 2009, Defendant Charles W. Uptergrove filed for bankruptcy. On November 30, 2009, the court stayed the proceedings in light of the bankruptcy filing, including any enforcement of the order to vacate. On May 18, 2010, Defendant Charles W. Uptergrove filed documents relating to his bankruptcy. These documents show that Plaintiff’s bankruptcy has been dismissed.

On June 16, 2010, Plaintiff filed a motion for the court to order Defendants to vacate the property. This motion was set to be heard on July 26, 2010.

On July 14, 2010, Defendant Charles W. Uptergrove filed a motion to void judgment.

1 In light of Defendant Charles W. Uptergrove's motion to void judgment, the court finds
2 that it must address Defendant Charles W. Uptergrove's motion prior to ruling on Plaintiff's
3 motion for the court to order Defendants to vacate.

4 Accordingly, the court ORDERS that:

- 5 1. Any opposition to Defendant Charles W. Uptergrove's motion to void
6 judgment SHALL BE FILED by July 26, 2010;
- 7 2. Any reply brief to Defendant Charles W. Uptergrove's motion to void
8 judgment SHALL BE FILED by August 2, 2010;
- 9 3. As of August 2, 2010, the court will take Defendant Charles W.
10 Uptergrove's motion to void judgment under submission and thereafter
11 issue a decision;
- 12 4. Any opposition to Plaintiff's motion for an order to vacate SHALL BE
13 FILED by August 16, 2010;
- 14 5. Any reply brief to Plaintiff's motion for an order to vacate SHALL BE
15 FILED by August 23, 2010; and
- 16 6. The hearing on Plaintiff's motion for an order to vacate is CONTINUED
17 from July 26, 2010 to August 30, 2010 at 1:30 p.m. in Courtroom 2.

18 IT IS SO ORDERED.

19 Dated: July 15, 2010

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22 CHIEF UNITED STATES DISTRICT JUDGE
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