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

DANIEL PROVENCIO, JR., personally
and as successor in interest to DANIEL
PROVENCIO, deceased, by his
guardian ad litem, Maria Lucero, et al.,

Plaintiff,

v.

PATRICIA VAZQUEZ, et al.,

Defendants.

) NO. 1:07-CV-00069-AWI-BAK
) GSA

) ORDER VACATING
) NOVEMBER 2, 2009 HEARING
) DATE AND TAKING MATTER
) UNDER SUBMISSION

Defendants' motion to strike portions of fourth amended complaint has been set for hearing in this case on November 2, 2009. 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 November 2, 2009, is VACATED, and the parties shall not appear at that time. As of November 2, 2009, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: October 29, 2009

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