

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

GLEN HALLIDAY, MICHAEL S.
IOANE, SR., SHELLY IAONE,
ASHLEY M. IOANE, MICHAEL S.
IOANE, JR.,

Plaintiffs,

v.

KENT R. SPJUTE, JEAN NOLE, JEFF
HODGES, BRIAN APPLGATE,
MICHELLE M. CASAREZ, UNKNOWN)
DOES 1-20, AND THE UNITED STATES)
OF AMERICA,

Defendants.

CIV F-07-0620 AWI GSA
ORDER VACATING HEARING
DATE OF JANUARY 14, 2013 AND
TAKING MATTER UNDER
SUBMISSION

Defendants have made a motion to dismiss or, in the alternative, for summary judgment. Doc. 131. Plaintiffs termed their opposition, a "Notice of Cross Motion to Stay and Opposition to Motion to Dismiss." Doc. 141. Defendants then filed a timely reply. Doc. 142. The court has reviewed the papers filed and has determined that the motion to dismiss/summary judgment is suitable for decision without further oral argument. See Local Rule 230(g). Regarding Plaintiffs' request for a stay, Judge Austen has recently denied their separate motion for a stay. Doc. 138. Trying to obtain a stay through the briefing of this motion is inappropriate and the court will not consider the request.

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of January 14, 2013, is VACATED, and no party shall appear at that time. As of that date, the court will take the matter under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: January 9, 2013



UNITED STATES DISTRICT JUDGE

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