

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

OSCAR A. CLIFTON (B-76889),	)	NO. 1:08-CV-00193-AWI-SMS
Plaintiff,	)	ORDER VACATING
v.	)	SEPTEMBER 21, 2009 HEARING
PHILIP J. CLINE, District Attorney for	)	DATE AND TAKING MATTER
the County of Tulare, et al.,	)	UNDER SUBMISSION
Defendants.	)	

---

Defendants’ motion to dismiss has been set for hearing in this case on September 21, 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 September 21, 2009, is VACATED, and the parties shall not appear at that time. As of September 21, 2009, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

**Dated:** September 16, 2009

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