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

GUSTAVO A. GARCIA,)	NO. 1:08-CV-00940-AWI-SMS
)	
Plaintiff,)	ORDER VACATING
)	DECEMBER 21, 2009 HEARING
v.)	DATE AND TAKING MATTER
)	UNDER SUBMISSION
COUNTY OF TULARE, et al.,)	
)	
Defendants.)	
_____)	

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

IT IS SO ORDERED.

Dated: December 16, 2009

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