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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

HECTOR TOPETE,)	CIV-F-08-1772 AWI TAG
)	
Plaintiff,)	
)	ORDER VACATING HEARING
v.)	DATE OF AUGUST 17, 2009
)	
ETS SERVICES, LLC, et al,)	
)	
Defendants.)	

Defendant has noticed for hearing and decision a motion to dismiss for lack of prosecution. The matter was scheduled for oral argument on August 17, 2009. Plaintiff has filed neither an opposition nor a notice of non-opposition. Thus, Plaintiff is in violation of Local Rule 78-230(c) and is no longer entitled to be heard at oral argument. The court has reviewed the papers and has determined that the motion is suitable for decision without further oral argument. See Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of August 17, 2009, is VACATED, and no party shall appear at that time. As of that date, the court will take the matters under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: August 13, 2009

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