

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**

MICHAEL ZIEHLKE,)	NO. 1:08-CV-01802-AWI-GSA
)	
Plaintiff,)	ORDER VACATING HEARING
)	DATE OF JANUARY 25, 2010,
v.)	AND TAKING MATTER
)	UNDER SUBMISSION
THE CITY OF ANGELS CAMP, et al.,)	
)	
Defendants.)	
_____)	

Defendants have noticed for hearing and decision a motion for summary judgment or, alternatively, summary adjudication of claims and defenses. The matter was scheduled for hearing to be held on January 25, 2010. Pursuant to Local Rule 78-230(c), Plaintiff was required to file either an opposition or a notice of non-opposition no later than January 11, 2010. Plaintiff failed to do so.

Due to Plaintiff's failure to file a timely opposition or notice of non-opposition, he is in violation of the Local Rules. See 78-230(c). Plaintiff is further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The court has reviewed Defendant's motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

///

1 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of January 25,
2 2010, is VACATED, and no party shall appear at that time. As of January 25, 2010, the court
3 will take the matter under submission, and will thereafter issue its decision.

4
5 IT IS SO ORDERED.

6 **Dated: January 19, 2010**

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28