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


HERMAN D. SHEAD,)	1:09-CV-0006 AWI SKO
)	
Plaintiff,)	
)	ORDER TAKING MATTER
v.)	UNDER SUBMISSION
)	
C/O VANG, et al.,)	
)	
Defendants.)	

Currently pending before the Court is Defendant’s motion to dismiss. Hearing on this matter is set for September 30, 2013. By Local Rule, Plaintiff was to file either a notice of non-opposition or an opposition no later than September 16, 2013. See Local Rule 230(c). Plaintiff failed to do so. Plaintiff is in violation of the Local Rules, and is not entitled to be heard in opposition at oral argument. See id. The Court has reviewed the moving papers and has determined that this matter is suitable for decision without oral argument. Local Rule 230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of September 30, 2013, is VACATED, and the parties shall not appear at that time. As of September 30, 2013, the Court will take the Defendant’s motion to dismiss under submission and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: September 26, 2013



SENIOR DISTRICT JUDGE