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

11 JUAN SOSA, CASE NO. CV F 09-0096 LJO SMS  
12 Plaintiff, **ORDER TO VACATE HEARING**  
13 vs. **SET OPPOSITION DEADLINE**  
(Doc. 4, 7, 10.)

14 STATE OF CALIFORNIA, et al,  
15 Defendants

17 Defendants State of California (“State”) and City of Coalinga (“City”) have filed separate  
18 F.R.Civ.P. 12 motions to dismiss plaintiff Juan Sosa’s (“Mr. Sosa’s”) claims. The City seeks to dismiss  
19 Mr. Sosa’s 42 U.S.C. § 1983 claims for failure to exhaust administrative remedies in that Mr. Sosa failed  
20 to file a grievance or related appeal with the Claremont Custody Center. The State filed its February 11,  
21 2009 joinder in the City’s motion to seek dismissal on the State’s behalf for failure to exhaust  
22 administrative remedies. Mr. Sosa filed no timely papers to oppose the City’s F.R.Civ.P. 12 motion, and  
23 his counsel informed chambers by telephone that Mr. Sosa does not oppose the City’s motion.

24 On the basis of good cause and pursuant to Local Rule 78-230(c) and (h), this Court:

25       1. VACATES the February 24, 2009 hearing on the City's F.R.Civ.P. 12 motion to dismiss;

26       2. VACATES the March 3, 2009 hearing on the State's F.R.Civ.P. 12 motion to dismiss;

27               and

28       3. ORDERS Mr. Sosa, no later than February 26, 2009, to file opposition, if any, to the

1 State's joinder in the City's motion to dismiss and the State's dismissal from this action.  
2 This Court needs no reply papers from the City or State and will issue an order on their F.R.Civ.P 12  
3 motions as time permits.

IT IS SO ORDERED.

**Dated:** February 12, 2009

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE