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

JUAN SOSA,	CASE NO. CV F 09-0096 LJO SMS	
	Plaintiff,	<b>ORDER TO VACATE HEARINGS AND TO SET OPPOSITION DEADLINE</b>
vs.		(Doc. 4, 7, 10.)
STATE OF CALIFORNIA, et al,		
Defendants.		
/		

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

- On the basis of good cause and pursuant to Local Rule 78-230(c) and (h), this Court:
1. VACATES the February 24, 2009 hearing on the City’s F.R.Civ.P. 12 motion to dismiss;
  2. VACATES the March 3, 2009 hearing on the State’s F.R.Civ.P. 12 motion to dismiss;
  - and
  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.

4 IT IS SO ORDERED.

5 **Dated: February 12, 2009**

**/s/ Lawrence J. O'Neill**  
**UNITED STATES DISTRICT JUDGE**

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