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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANGEL H. HERNANDEZ,

Plaintiff,

v.

CHRIS JORDAN, et al.,

Defendants.

CASE NO. 1:09-cv-00268-LJO-SMS PC

ORDER VACATING HEARING DATE
PURSUANT TO LOCAL RULE 230(L)

(Doc. 19)

ORDER REQUIRING DEFENDANT TO FILE
PROOF SERVICE WITHIN TEN DAYS, AND
REQUIRING PLAINTIFF TO FILE
OPPOSITION OR STATEMENT OF NON-
OPPOSITION WITHIN THIRTY DAYS OF
SERVICE

(Doc. 19)

Plaintiff Angel H. Hernandez, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 11, 2009. On December 16, 2010, Defendant Costner filed a motion to dismiss, noticed for January 18, 2011, before the Honorable Lawrence J. O’Neill. Pursuant to Local Rule 230(l), the motion shall be resolved without a hearing. Further, the motion lacks a proof of service, a deficiency which Defendant shall cure within ten days.

1. Pursuant to Local Rule 230(l), the hearing set for January 18, 2011, is vacated;
2. Defendant shall file a proof of service within **ten (10) days**;
3. Within **thirty (30) days** from the date of service of the motion, Plaintiff shall file an opposition or a statement of non-opposition; and

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