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

MARIA M. GONZALES,)	NO. 1:09-CV-00941-AWI-GSA
)	
Plaintiff,)	ORDER VACATING
)	HEARING DATE OF
v.)	AUGUST 31, 2009, AND
)	TAKING MATTER UNDER
FIRST FRANKLIN LOAN SERVICES,)	SUBMISSION
et al.,)	
)	
Defendants.)	

Defendant has noticed for hearing and decision a motion to dismiss. The matter was scheduled for hearing to be held on August 31, 2009. Pursuant to Local Rule 78-230(c), Plaintiff was required to file either an opposition or a notice of non-opposition no later than August 17, 2009. 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 Defendants' motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

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1 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of August 31,
2 2009, is VACATED, and no party shall appear at that time. As of August 31, 2009, the court
3 will take the matter under submission, and will thereafter issue its decision.

4 IT IS SO ORDERED.

5 **Dated:** August 26, 2009

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

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