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

RODNEY CRITTENDEN,

Plaintiff,

v.

**HOMEQ SERVICING, BARCLAYS
BANK PLC, EQUIFIRST
CORPORATION, and DOES 1-100,
inclusive,**

Defendants.

NO. 1:09-CV-00950-AWI-DLB

**ORDER VACATING
HEARING DATE OF
AUGUST 3, 2009 AND TAKING
MATTER UNDER
SUBMISSION**

Defendant has noticed for hearing and decision a motion to dismiss the complaint. The matter was scheduled for hearing to be held on August 3, 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 July 20, 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 Defendant's 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 3,
2 2009, is VACATED, and no party shall appear at that time. As of August 3, 2009, the court
3 will take the matter under submission, and will thereafter issue its decision.

4
5 IT IS SO ORDERED.

6 **Dated: July 29, 2009**

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