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

RODNEY CRITTENDEN,

CASE NO. CV F 09-0950 LJO DLB

Plaintiff,

ORDER ON PENDING MOTION TO DISMISS
(Doc. 15.)

vs.

HOMEQ SERVICING, et al,

Defendants.
_____ /

This action recently was reassigned to United States District Judge Lawrence O'Neill. At the time of reassignment, defendants' F.R.Civ.P. 12(b)(6) motion to dismiss was pending. In light of the recent reassignment, this Court ORDERS plaintiff, no later than September 25, 2009, to file and serve opposition papers, if any. Defendants need not file and serve reply papers, unless this Court orders otherwise. This Court will consider the motion to dismiss on the record and issue a written ruling without oral argument, unless this Court orders otherwise. Due to this Court's heavy caseload and inability to address the motion to dismiss immediately, the parties are encouraged to consent to the conduct of all further proceedings by a United States Magistrate Judge, who is in better position to address the motion to dismiss more expeditiously.

IT IS SO ORDERED.

Dated: September 17, 2009**/s/ Lawrence J. O'Neill**
UNITED STATES DISTRICT JUDGE