

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

<b>SUE McCLELLAND,</b>	)	<b>CV F 09 - 1031 AWI DLB</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>ORDER VACATING</b>
<b>v.</b>	)	<b>HEARING DATE OF AUGUST</b>
	)	<b>17, 2009, AND TAKING</b>
<b>CITY OF MODESTO, COUNTY OF</b>	)	<b>MATTER UNDER</b>
<b>STANISLAUS, STANISLAUS DRUG</b>	)	<b>SUBMISSION</b>
<b>ENFORCEMENT AGENCY, ROBERT</b>	)	
<b>HUNT, STEVE HOEK, PATRICK</b>	)	
<b>CRANE, OFFICER MCGILL, OFFICER</b>	)	
<b>GILLESPIE, OFFICER RAMAR,</b>	)	
<b>SERGEANT YOUNG and ROY</b>	)	
<b>WASDEN,</b>	)	
	)	
<b>Defendants.</b>	)	

On July 13, 2009, defendants City of Modesto, et al. (“Defendants”) noticed for a motion to dismiss the complaint of plaintiff Sue McClelland (“Plaintiff”) as to all defendants except County of Stanislaus. Defendant County of Stanislaus separately noticed a motion to dismiss on the same day. Both matters were scheduled for oral argument to be held August 17, 2009. The Court has reviewed Defendants’ motions, Plaintiff’s opposition, Defendants’ responses, and related filings. The court has determined that the motion is suitable for decision without oral argument. Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of August 17, 2009, is VACATED, and no party shall appear at that time. As of August 17, 2009, the Court will take the matter under submission, and will thereafter issue its decision.

1 IT IS SO ORDERED.

2 **Dated:** August 12, 2009

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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28