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

<b>RUBEN R. HURTADO, Jr.,</b>	)	<b>NO. 1:09-CV-01157-AWI</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER VACATING</b>
	)	<b>HEARING DATE OF</b>
<b>v.</b>	)	<b>SEPTEMBER 14, 2009, AND</b>
	)	<b>TAKING MATTER UNDER</b>
<b>ONE WEST, dba INDYMAC BANK,</b>	)	<b>SUBMISSION</b>
<b>a California corporation, TRUSTEE</b>	)	
<b>CORPS, an entity unknown, and DOES</b>	)	
<b>1 through 10,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

Defendant Trustee Corps has noticed for hearing and decision a motion to dismiss. The matter was scheduled for hearing to be held on September 14, 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 31, 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 September  
2 14, 2009, is VACATED, and no party shall appear at that time. As of September 14, 2009, the  
3 court will take the matter under submission, and will thereafter issue its decision.

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5  
6 IT IS SO ORDERED.

7 **Dated: September 10, 2009**

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