

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**

| | | |
|------------------------------------|---|-----------------------------|
| JUAN LOPEZ, |) | NO. 1:09-CV-01290-AWI |
| Plaintiff, |) | |
| v. |) | ORDER VACATING HEARING |
| |) | DATE OF SEPTEMBER 14, 2009, |
| OCWEN LOAN SERVICING, LLC, et al., |) | AND TAKING MATTER |
| |) | UNDER SUBMISSION |
| Defendants. |) | |

Defendant Ocwen Loan Servicing, LLC, 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).

///
///

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.

4
5 IT IS SO ORDERED.

6 **Dated: September 10, 2009**

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

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28