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

JOE PARKS,

Plaintiff,

v.

**BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY,
PAUL BEARE, JOHN WELTY,
JANETTE REDD-WILLIAMS, JANICE
PARTEN, JERI ECHEVERRIA, and
DOES 1-50,**

Defendants.

1:09-CV-1314 AWI GSA

**ORDER TAKING
DEFENDANTS' MOTION TO
DISMISS UNDER
SUBMISSION**

Defendants have noticed for hearing and decision a motion to dismiss. The matter was scheduled for hearing to be held on September 28, 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 September 14, 2009. Plaintiff has not done 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 Local Rule 78-230(c). Plaintiff is further not entitled to be heard at oral argument in opposition to the motion. Id. The court has reviewed Defendants' 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 HERBY ORDERED that the previously set hearing date of September
2 28, 2009, is VACATED, and no party shall appear at that time. As of September 28, 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 17, 2009**

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