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IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

ANTONIO LOPEZ, Plaintiff, v. WASHINGTON MUTUAL BANK, F.A. et. al., Defendants.	1: 09-CV-1838 AWI JLT ORDER VACATING HEARING DATE OF FEBRUARY 1, 2010 AND TAKING MATTER UNDER SUBMISSION

Defendants have noticed for hearing and decision a motion to dismiss. The matter was scheduled for hearing to be held on February 1, 2010. Pursuant to Local Rule 230, Plaintiff was required to file either an opposition or a notice of non-opposition no later than January 19, 2010. 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. Plaintiff is further not entitled to be heard at oral argument in opposition to the motion. 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 230.

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of February 1, 2010, is VACATED, and no party shall appear at that time. As of February 1, 2010, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: January 27, 2010 **/s/ Anthony W. Ishii**
CHIEF UNITED STATES DISTRICT JUDGE

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