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IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

BILLY PHELPS, **Plaintiff,** **v.** **CHRISTIAN RAMOS,** **Defendant.**	CV **F 09-1925 AWI SKO** **ORDER VACATING HEARING DATE OF MARCH 21, 2011, AND TAKING MATTER UNDER SUBMISSION**

In this civil rights action for damages by *pro se* plaintiff Billy Phelps ("Plaintiff") against defendant Christian Ramos ("Defendant"), Defendant as moved for summary judgment. The matter was scheduled for oral argument to be held March 21, 2011. The Court has reviewed Plaintiffs' motion. Opposition, which was due not later than March, 11, 2011, was not filed as of that date and consequently the motion may not be opposed at oral argument. Local Rule 78-230(b). 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 March 21, 2011, is VACATED, and no party shall appear at that time. As of March 21, 2011, the Court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: March 16, 2011

CHIEF UNITED STATES DISTRICT JUDGE

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