

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ZEARLEAN COOPER,

Plaintiff,

v.

**MATTHEW CATE, Secretary of the
California Department of Corrections &
Rehabilitation; THE CALIFORNIA
DEPARTMENT OF CORRECTIONS &
REHABILITATION; MARY
LATTIMORE, Warden, Central
California Women's facility; MICHAEL
TANN, Associate Warden Central
California Women's Facility; and
CAPTAIN FRANK SANDERS, JR,
Custody Captain Central California
Women's Facility,**

Defendants.

1:10-CV-00899 AWI DLB

**ORDER VACATING HEARING
DATE OF NOVEMBER 8, 2010 AND
TAKING MATTER UNDER
SUBMISSION**

Defendants have filed a motion to dismiss pursuant to Fed. Rule Civ. Proc. 12(b)(1) and (6); a motion for a more definite statement pursuant to Fed. Rule Civ. Proc. 12(e); and a motion to strike pursuant to Fed. Rule Civ. Proc. 12(f). Doc. 11. Plaintiff filed a notice of non-opposition. Doc. 14. No reply has been received. The court has reviewed the papers filed and has determined that the motion is suitable for decision without further oral argument. See Local Rule 230(g).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of November 8, 2010, is VACATED, and no party shall appear at that time. As of that date, the court will take

1 the matter under submission and will thereafter issue its decision.

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3 IT IS SO ORDERED.

4 Dated: November 2, 2010

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6 CHIEF UNITED STATES DISTRICT JUDGE
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