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

<b>TERRY RIVERA,</b>	)	<b>1:10-CV-1015 AWI GSA</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER VACATING MAY 9,</b>
	)	<b>2011 HEARING DATE AND</b>
<b>v.</b>	)	<b>TAKING MATTER UNDER</b>
	)	<b>SUBMISSION</b>
<b>DENNIS SMITH, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

Currently pending before the Court is Plaintiff's motion for relief from default in taking of judgment or, in the alternative, motion for new trial. This motion is set for hearing on May 9, 2011, at 1:30 p.m. in Courtroom 2. The Court has reviewed the papers and has determined that this matter is suitable for decision without oral argument. Local Rule 230(g). Therefore, IT IS

HEREBY ORDERED that the previously set hearing date of May 9, 2011, is VACATED, and the parties shall not appear at that time. As of May 9, 2011, the Court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: May 4, 2011

  
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CHIEF UNITED STATES DISTRICT JUDGE