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

STEPHEN MYERS,)	1:10-CV-01398 AWI JLT
)	
Plaintiff,)	ORDER VACATING MAY 23,
)	2011 HEARING DATE AND
v.)	TAKING MATTER UNDER
)	SUBMISSION
CITY OF MADERA, et al.,)	
)	
Defendants.)	
_____)	

Currently pending before this Court is Defendants’ motion to dismiss. This motion is set for hearing on May 23, 2011, at 1:30 p.m. in Courtroom 2. Pursuant to Local Rule 230(c), Plaintiff was required to file an opposition no later than May 9, 2011. Plaintiff, however, did not file an opposition until May 16, 2011.

Due to Plaintiff’s failure to file a timely opposition, he is in violation of the Local Rules. Plaintiff is therefore not entitled to be heard at oral argument in opposition to Defendants’ motion. See Local Rule 230(c). The Court notes that this is Plaintiff’s second violation of Local Rule 230(c). Plaintiff previously filed an untimely opposition to Defendants’ motion for judgment on the pleadings. The Court is beginning to detect an undesirable pattern concerning Plaintiff’s oppositions. In light of Plaintiff’s previous violations, should additional motions be filed in this case, the Court will be disinclined to accept and review any further untimely oppositions. If in the future Plaintiff requires additional time to file an opposition, then Plaintiff

1 is directed to file a request for additional time with the Court prior to the date the opposition is
2 due.

3 The Court has reviewed the papers and has determined that this matter is suitable for
4 decision without oral argument. See Local Rule 230(g). Therefore, IT IS HEREBY ORDERED
5 that the previously set hearing date of May 23, 2011, is VACATED, and the parties shall not
6 appear at that time. As of May 23, 2011, the Court will take the matter under submission, and
7 will thereafter issue its decision.

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9 IT IS SO ORDERED.

10 Dated: May 18, 2011

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13 CHIEF UNITED STATES DISTRICT JUDGE
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