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

**RAFAEL VALTIERRA and OFELIA VALTIERRA,**  
  
**Plaintiff,**  
  
**v.**  
  
**WELLS FARGO BANK, N.A., FKA WACHOVIA MORTGAGE, CAL-WESTERN RECONVEYANCE CORPORATION, WACHOVIA MORTGAGE FS, and 10 JOHN DOES,**  
  
**Defendants.**

**CIV-F-10-1455 AWI GSA**  
  
**ORDER VACATING HEARING DATE OF NOVEMBER 1, 2010 AND TAKING MATTER UNDER SUBMISSION**

Defendant Wachovia Mortgage, a division of Wells Fargo Bank, N.A., has filed a motion to dismiss for failure to state a claim. Doc. 9. Plaintiffs Rafael and Ofelia Valtierra have filed an opposition. Defendant has filed a reply. 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 1, 2010, is VACATED, and no party shall appear at that time. As of that date, the court will take the matter under submission and will thereafter issue its decision.

1 IT IS SO ORDERED.

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3 Dated: October 27, 2010

  
CHIEF UNITED STATES DISTRICT JUDGE

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