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

**STEPHEN GARCIA, individually and on )  
behalf of all other similarly situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SYLVIA MARTINEZ, JOHN DOE, )  
SHERIFF MARGARET MIMMS, and )  
Does 1 through 10, inclusive, )  
 )  
Defendants. )**

**CASE NO. 1:11-CV-1612 AWI SMS  
ORDER VACATING HEARING  
DATE OF MAY 28, 2013 AND  
TAKING MATTER UNDER  
SUBMISSION**

Defendants have made a motion to dismiss. Doc. 17. Plaintiff has not made any filing in response. Plaintiff is no longer entitled to be heard at oral argument. See Local Rule 230(c).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of May 28, 2013, 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.

IT IS SO ORDERED.

Dated: May 21, 2013



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SENIOR DISTRICT JUDGE