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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 LARISSA SCHUSTER,
12 Petitioner,
13 v.
14 DEBORAH K. JOHNSON,
15 Respondent.

Case No. 1:12-cv-01482-AWI-SAB-HC
ORDER CONTINUING THE HEARING ON
PETITIONER'S MOTION TO WITHDRAW
AS COUNSEL TO JUNE 15, 2015 AT
10:00 AM
(ECF No. 38)

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17 Petitioner, represented by counsel, is proceeding with a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254.

19 On May 8, 2015, Petitioner's counsel filed a motion to withdraw as counsel with a
20 hearing set for May 20, 2015, at 9:30 a.m. (ECF No. 40). However, this hearing date fails to
21 comply with the time requirements set by Local Rule 230(b).

22 The hearing on a motion is to be set not less than 28 days after service and filing of the
23 motion. Local Rule 230(b). Petitioner is required to give proper notice and an opportunity for
24 Respondent to respond. Although a party filing a defective notice of motion would generally
25 have to file and serve a new notice of motion setting forth a proper time and date, the Court in
26 this instance will set the new motion date and time. Petitioner does not need to file and serve a
27 new notice of motion for the new hearing date. The hearing on the motion to withdraw as
28 counsel will now be held on June 15, 2015 at 10:00 a.m. before the undersigned. Respondent

1 shall file an opposition or non-opposition not less than fourteen (14) days preceding the June 15,
2 2015, hearing date. Local Rule 230(c). Petitioner may file a reply not less than seven (7) days
3 preceding the June 15, 2015, hearing date. Local Rule 230(d).

4 Good cause having been presented to the Court,

5 IT IS HEREBY ORDERED that:

- 6 1. The hearing on the motion to withdraw as counsel is continued from May 20, 2015,
7 at 9:30 a.m., to June 15, 2015 at 10:00 a.m., in courtroom 9 before the undersigned;
- 8 2. Respondent shall file an opposition or non-opposition on or before June 1, 2015; and
- 9 3. Petitioner may file a reply on or before June 8, 2015.

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11 IT IS SO ORDERED.

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13 Dated: May 15, 2015


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UNITED STATES MAGISTRATE JUDGE