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

BRADY K. ARMSTRONG,)	Case No.: 1:13-cv-00246-AWI-SAB (PC)
Plaintiff,)	
v.)	ORDER VACATING HEARING DATE OF
M.E. SPEARMAN, et al.,)	SEPTEMBER 3, 2014, AND TAKING
Defendants.)	DEFENDANTS' MOTION TO DISMISS UNDER
)	SUBMISSION FOR ISSUANCE OF FINDINGS
)	AND RECOMMENDATIONS
)	[ECF Nos. 47, 48]
)	

Plaintiff Brady K. Armstrong is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On July 9, 2014, Defendants Desfosse and Spearmen filed a motion to dismiss Plaintiff's amended complaint filed on June 9, 2014. As stated in the Court July 29, 2014, this action is proceeding under Local Rule 230(b) and the matter was set for oral argument on September 3, 2014, at 10:00 a.m. before the undersigned. (ECF No. 48, at 2.)

In the Court's July 29, 2014, order, Plaintiff was specifically advised that his opposition to Defendants' motion to dismiss was due on or before August 20, 2014, and any reply by Defendant was due on or before August 27, 2014.

To date, Plaintiff has failed to file an opposition to the pending motion to dismiss, or otherwise respond to the Court's order. Accordingly, given Plaintiff's noncompliance with the Court's July 29, 2014, order, the hearing date of September 3, 2014, for oral argument on the motion to dismiss will be

1 vacated and the matter will be taken under submission for issuance of Findings and
2 Recommendations.

3 Accordingly,

4 IT IS HEREBY ORDERED that:

- 5 1. The September 3, 2014, hearing on Defendants' motion to dismiss is VACATED; and
- 6 2. The motion to dismiss is taken under submission for issuance of Findings and
7 Recommendations in due course.

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9 IT IS SO ORDERED.

10 Dated: August 29, 2014


UNITED STATES MAGISTRATE JUDGE

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