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


LEWIS CARTER, JR.,)	1:13-CV-290 AWI MJS
)	
Plaintiff,)	
)	
v.)	ORDER VACATING APRIL 15,
)	2013, HEARING AND TAKING
CITY OF FRESNO,)	MATTER UNDER
)	SUBMISSION
Defendant.)	
_____)	

Defendant has noticed for hearing and decision a motion to dismiss under Federal Rules of Civil Procedure 12(b)(6). The matter was scheduled for hearing to be held on April 15, 2013. Pursuant to Local Rule 230(c), Plaintiff was required to file either an opposition or a notice of non-opposition no later than April 1, 2013. Plaintiff failed to do so. Due to Plaintiff's failure to file a timely opposition or notice of non-opposition, he is in violation of the Local Rules. See Local Rule 230(c). Plaintiff is not entitled to be heard at oral argument in opposition to the motion. See id. The Court has reviewed Defendant's motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of April 15, 2013, is VACATED, and no party shall appear at that time. As of April 15, 2013, the Court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: April 11, 2013



SENIOR DISTRICT JUDGE