1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 No. 1:13-cv-01382 - LJO-BAM CLIFFORD E. CURRY, Sr., 12 Plaintiff. 13 ORDER VACATING HEARING DATE v. AND TAKING MATTER UNDER 14 TOM HEID, RICHARD MEHAFFEY, **SUBMISSION** UNITED STATES, 15 (Doc. 12). Defendant. 16 17 Defendant United States has filed a motion to dismiss the complaint of Plaintiff Clifford 18 Curry for lack of subject matter jurisdiction and failure to state a claim. (Doc. 9). The matter is 19 currently set for hearing and decision on November 15, 2013, at 9:00 a.m. before the Honorable 20 Judge Barbara A. McAuliffe. On November 5, 2013, the last of the briefing was timely received. 21 (Docs. 14, 15). The Court has reviewed the moving papers and has determined that this matter 22 has been adequately briefed and is suitable for decision without oral argument. Local Rule 23 230(g). 24 Therefore, IT IS HEREBY ORDERED that: 25 1. The previously set hearing date of November 15, 2013, is VACATED, the parties 26 shall not appear at that time, and the Court will take the matter under submission and will 27 thereafter issue its decision; and

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1	2. Defense Counsel shall immediately contact Plaintiff by telephone informing him
2	of this order and that the hearing has been vacated.
3	3. The Clerk of the Court is DIRECTED to mail a copy of this order to Plaintiff at the
4	following addresses:
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6	Clifford E. Curry, Sr. 301 Standiford Avenue, #243
7	Modesto, California 95350
8	Clifford E. Curry, Sr.
9	1820 Pennebaker Way, No. 274 Manteca, California 95336
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11	IT IS SO ORDERED.
12	Dated: November 8, 2013 /s/ Barbara A. McAuliffe
13	UNITED STATES MAGISTRATE JUDGE
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