

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DALE D. SELVICK,
Plaintiff,
v.
PAUL D. BRAZELTON, et al.,
Defendants.

Case No. 1:14-cv-00363-LJO-SAB
ORDER VACATING SEPTEMBER 24, 2014
HEARING

Plaintiff Dale D. Selvick filed this civil rights action pursuant to 28 U.S.C. § 1983 on March 11, 2014, alleging deliberate indifference in violation of the Eighth Amendment. On August 18, 2014 Defendants Jeffery A. Beard, Edmund G. Brown, Matthew Cate and the State of California filed a motion to dismiss for failure to state a claim. On August 22, 2014 Defendants Felix Igbinosa and Dwight Winslow filed a notice of joinder in the motion to dismiss and a separate motion to dismiss. A September 24, 2014 hearing is set for argument on Defendants' motions to dismiss.

Pursuant to the Local Rules of the Eastern District of California, Plaintiff was to file any opposition to the motions to dismiss fourteen days prior to the hearing. L.R. 230(c). Plaintiff has not filed a timely opposition and a party who fails to file a timely opposition is not entitled to be heard in opposition to a motion at oral argument. Id.

The Court, having reviewed the record, finds this matter suitable for decision without oral

1 argument. See Local Rule 230(g). Accordingly, the previously scheduled hearing set on
2 September 24, 2014 at 10:00 a.m. in Courtroom 9 will be vacated and the parties will not be
3 required to appear at that time. This matter is deemed submitted.

4 Based on the foregoing, IT IS HEREBY ORDERED that the hearing set for September
5 24, 2014 is VACATED.

6
7 IT IS SO ORDERED.

8 Dated: September 16, 2014


UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28