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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **O'DEAN M. GRANT,**

9 **Plaintiff**

10 **v.**

11 **CAPELLA UNIVERSITY, SOPHIA**
12 **PATHWAYS, AND DOES 1-12,**

13 **Defendants**

CASE NO. 1:14-CV-1678 AWI JLT

**ORDER RE: PLAINTIFF'S REQUEST
FOR CLARIFICATION**

(Doc. 12)

14 This case was removed from Superior Court, County of Kern. On November 26, 2014,
15 Plaintiff filed a motion entitled "Motion to Dismiss Pursuant to 28 U.S.C.A. #1331" that sought a
16 hearing on December 9, 2014 in Kern County Superior Court. Doc. 8. Defendants filed a separate
17 motion to dismiss that was set for hearing on December 8, 2014. The court conflated the motions
18 and took both matters under submission. Doc. 10. The issue was brought to the court's attention
19 by Defendants. Plaintiff's motion was reset for January 20, 2015 at 1:30 PM in Courtroom 2.
20 Doc. 11.

21 Plaintiff now asks to appear telephonically at the January 20, 2015 hearing, asks for the
22 court to provide a copy of Defendants' motion to dismiss, and expresses concern that "the hearing
23 seems to indicate that my motion to dismiss is no longer under submission for legal consideration
24 and subsequent decision." Doc. 12. Plaintiff's motion will be considered by the court. The
25 motion was originally taken under submission by mistake; a hearing date was set in order to allow
26 oppositions and replies to be filed. Once the further briefing has been received, the court will
27 determine whether oral argument on January 20, 2015 is necessary or whether the motion should
28 be taken under submission without holding a hearing. So, Plaintiff's request to appear

1 telephonically is denied. As to his request for a copy of Defendants' motion, the record indicates
2 that both the notice of motion and memorandum of points and authority were mailed to Plaintiff's
3 address (808 Melwood Street, Bakersfield, CA 93307) on November 3, 2014. Doc. 7, 3; Doc. 7-1,
4 10. Plaintiff's request for another copy of these documents is denied.

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6 IT IS SO ORDERED.

7 Dated: January 2, 2015


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SENIOR DISTRICT JUDGE