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

STEPHEN A. CARROLL,

Plaintiff,

vs.

CITY OF MODESTO, and DOES 1-5,

Defendants.

1:15-cv-1691 AWI SKO

**ORDER VACATING HEARING DATE
OF JANUARY 11, 2016, AND TAKING
MATTER UNDER SUBMISSION**

Doc. # 4

In this action for damages, defendant City of Modesto (“Defendant”) has moved to dismiss the complaint of plaintiff Stephen A. Carroll. The action was removed from Stanislaus County Superior Court on November 6, 2015. The matter was scheduled for hearing on Defendant’s motion to dismiss to be held on January 11, 2016. As of this writing, no opposition has been filed by Plaintiff. The court has reviewed Defendant’s motion and has determined that the matter is suitable for decision without oral argument. Local Rule 78-230(h). Plaintiff is hereby notified that, because of his *pro se* status, the court will give consideration to any writing filed and served by Plaintiff prior to 4:00 p.m. on January 11, 2016. Plaintiff is also counseled that if no writing is filed the court may consider the case abandoned and may summarily dismiss the case.

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THEREFORE, it is hereby ORDERED that the hearing date of January 11, 2016, is hereby VACATED and no party shall appear on that date. As of January 11, 2016, the court will take the matter under submission and will thereafter render its decision.

IT IS SO ORDERED.

Dated: January 7, 2016



SENIOR DISTRICT JUDGE