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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 EARLENE SMITH,

9 Plaintiff,

10 v.

11 STATE OF CALIFORNIA [CALIFORNIA  
12 DEPARTMENT OF CORRECTIONS AND  
REHABILITATION],

13 Defendant.  
14

Case No. 1:17-cv-01058-LJO-SAB

ORDER VACATING NOVEMBER 1, 2017  
HEARING ON DEFENDANT'S MOTION  
TO DISMISS

15 On September 29, 2017, the California Department of Corrections and Rehabilitation  
16 filed a motion to dismiss that is set for oral argument on November 1, 2017. Pursuant to the  
17 Local Rule, Plaintiff's opposition to the motion for summary judgment was due on October 18,  
18 2017. L.R. 230(c). Plaintiff did not file a timely opposition to the motion. The Local Rule  
19 provides that a party who fails to file a timely opposition is not entitled to be heard in opposition  
20 to the motion at oral argument. L.R. 230(c).

21 Accordingly, IT IS HEREBY ORDERED that the hearing set for November 1, 2017, is  
22 VACATED and the parties will not be required to appear at that time.

23 IT IS SO ORDERED.

24 Dated: October 19, 2017

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26 UNITED STATES MAGISTRATE JUDGE  
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