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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.

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

ORDER VACATING MAY 23, 2018
HEARING ON DEFENDANT'S MOTION
TO DISMISS

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15 On April 16, 2018, the California Department of Corrections and Rehabilitation filed a
16 motion to dismiss that is set for oral argument on May 23, 2018. Pursuant to the Local Rule,
17 Plaintiff's opposition or statement of non-opposition to the motion for summary judgment was
18 due on May 9, 2018. L.R. 230(c). Plaintiff did not file a timely opposition to the motion. The
19 Local Rule provides that a party who fails to file a timely opposition is not entitled to be heard in
20 opposition to the motion at oral argument. L.R. 230(c). The matter is taken under submission on
21 the papers.

22 Accordingly, IT IS HEREBY ORDERED that the hearing set for May 23, 2018, is
23 VACATED and the parties will not be required to appear at that time.

24 IT IS SO ORDERED.

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26 Dated: May 10, 2018

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UNITED STATES MAGISTRATE JUDGE