

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10  
11 DAVID McCALLUM, et al.,

12 Plaintiffs,

13 v.

14 WELLS FARGO BANK, N.A.,

15 Defendant.

Case No. 1:17-cv-01481-AWI-SAB

ORDER VACATING DECEMBER 13, 2017  
HEARING ON DEFENDANT’S MOTION  
TO DISMISS

16  
17 On October 3, 2017, Plaintiffs David McCallum and Donna McCallum (“Plaintiffs”)   
18 filed this action in Fresno County Superior Court. (ECF No. 1-1.) On November 3, 2017,   
19 Defendant Wells Fargo Bank, N.A. (“Defendant”) removed the action to the Eastern District of   
20 California. (ECF No. 1.) On November 10, 2017, Defendant filed a motion to dismiss and   
21 request for judicial notice that were referred to the undersigned pursuant to 28 U.S.C. §   
22 636(b)(1)(B) and Local Rule 302. (ECF No. 6.) Hearing on the motion to dismiss was set for   
23 December 13, 2017. (ECF No. 7.)

24 Pursuant to the Local Rule, Plaintiff’s opposition to the motion to dismiss was due   
25 November 29, 2017. L.R. 230(c). Plaintiff did not file a timely opposition to the motion. The   
26 Local Rule provides that a party who fails to file a timely opposition is not entitled to be heard in   
27 opposition to the motion at oral argument. L.R. 230(c).

28 ///

1           Accordingly, IT IS HEREBY ORDERED that the hearing set for December 13, 2017, is  
2 VACATED and the parties will not be required to appear at that time.

3  
4 IT IS SO ORDERED.

5 Dated: December 5, 2017

  
UNITED STATES MAGISTRATE JUDGE

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