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

NORVEL R. WRIGHT,

Plaintiff,

No. 2:08-cv-01765 GEB KJN PS

v.

SECRETARY OF DEFENSE ROBERT
GATES, DEPARTMENT OF DEFENSE
AGENCY,

Defendant.

ORDER

_____ /

Defendant’s “Motion to Dismiss and/or For Summary Judgment” (Dkt. No. 44) came before the court for hearing on the undersigned’s law and motion calendar on July 8, 2010. Assistant United States Attorney Bobbie J. Montoya appeared on behalf of defendant. Plaintiff, who is proceeding without counsel, appeared on his own behalf.

At that time, the undersigned was prepared to rule on defendant’s motion. Plaintiff’s opposition was fatally flawed, and his argument at the hearing cured none of the deficiencies apparent from the briefs. However, following the lengthy hearing, and out of an abundance of caution, the undersigned permitted plaintiff an additional opportunity to obtain legal representation and file a supplemental or revised opposition to defendant’s motion. (See Order, July 9, 2010, Dkt. No. 49.) Irrespective of plaintiff’s ability to retain legal counsel, the

1 undersigned ordered that plaintiff's supplemental or revised opposition to defendant's motion, if
2 any, be filed on or before August 16, 2010. (Id. at 2.) The undersigned clearly stated that this
3 would be plaintiff's "*final* opportunity to oppose defendant's motion." (Id.)

4 The court's docket reveals that plaintiff failed to file any such supplemental or
5 revised opposition. Accordingly, IT IS HEREBY ORDERED that:

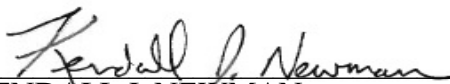
6 1. Defendant's "Motion to Dismiss and/or For Summary Judgment" (Dkt.
7 No. 44) is submitted on the briefs and appropriate portions of the record on file with the court.

8 2. No further submissions in opposition to defendant's motion will be
9 considered in resolving defendant's motion.

10 3. The court will resolve defendant's motion through separately filed findings
11 and recommendations.

12 IT IS SO ORDERED.

13 DATED: August 24, 2010

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17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE
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