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

EDUARDO AND MONICA MOLINA,

Plaintiff,

No. 2:08-cv-2963 JAM JFM PS

vs.

LASALLE BANK,

ORDER

Defendant.

\_\_\_\_\_ /

This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).  
On February 23, 2009, defendant filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6).  
No opposition to the motion to dismiss has been filed.

Local Rule 78-230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 78-230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The hearing date of April 16, 2009 is vacated. Hearing on defendants' motion to dismiss is continued to April 30, 2009.

2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than April 16, 2009. Failure to file opposition and appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

DATED: April 1, 2009.

  
UNITED STATES MAGISTRATE JUDGE

001; molina.nop