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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES EDWARD JEFFERSON,
Plaintiff,

No. 2:09-cv-1405-MCE-KJN

v.

MEMORANDUM AND ORDER

OFFICER CURTIS; DOE ZACK, a
Store Manager; and WAL-MART,
INC.

Defendants.

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Plaintiff James Edward Jefferson ("Plaintiff") seeks redress for alleged violations of his First Amendment rights and Section 1983 of title 42 of the U.S. Code. Presently before the Court is a Motion by Defendants Wal-Mart Stores, Inc. and store manager Doe Zack ("Defendants") to Dismiss the claims alleged against them in Plaintiff's Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff has failed to timely file an opposition.¹

¹ Because oral argument will not be of material assistance, the Court orders this matter submitted on the briefs. E.D. Cal. Local Rule 230(g).

1 Pursuant to Local Rule 230(c), opposition to a motion must
2 be filed not less than fourteen (14) days prior to the date of
3 the hearing. The date of the hearing on motion was set for
4 April 29, 2010. Fourteen (14) days prior to the hearing was
5 April 15, 2010. No opposition was filed as required.

6 In light of the fact that no opposition was filed by
7 Plaintiff, Defendants' Motion to Dismiss (Docket No. 16) is
8 GRANTED with leave to amend.

9 Plaintiff may file an amended complaint not later than
10 twenty (20) days after the date this Memorandum and Order is
11 filed electronically. If no amended complaint is filed within
12 said twenty (20)-day period, without further notice, Plaintiff's
13 claims will be dismissed without leave to amend.

14 IT IS SO ORDERED.

15 Dated: April 26, 2010

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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