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

DEE THOMAS MURPHY,

Plaintiff,

No. CIV S-09-2587 JAM DAD PS

vs.

ARNOLD SCHWARZENEGGER,

Defendant.

ORDER

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This matter came before the court on December 11, 2009, for hearing of defendant’s motion to dismiss. Plaintiff, who is proceeding pro se, appeared on his own behalf. Tom Blake, Esq. appeared telephonically on behalf of the defendant.

Upon consideration of the parties’ statements in open court, IT IS ORDERED that:

1. Plaintiff’s December 11, 2009 petition for continuance (Doc. No. 11) is granted in part.
2. The hearing of defendant’s motion to dismiss (Doc. No. 7) is continued to February 19, 2010, at 10:00 a.m., in Courtroom 27. If plaintiff files and serves an amended complaint prior to February 5, 2010, defendant’s motion will be dropped from calendar and denied as moot. Absent the filing of an amended complaint, plaintiff’s opposition or statement

1 of non-opposition to defendant's motion shall be filed and served on or before February 5, 2010.
2 Any reply to opposition shall be filed and served on or before February 12, 2010. See Local Rule
3 230(c) & (d). If plaintiff obtains representation, counsel will be bound by this schedule absent
4 further order of the court.

5 3. Any party who wishes to appear telephonically at the hearing of defendant's
6 motion shall arrange telephonic appearance by contacting Pete Buzo, the courtroom deputy of the
7 undersigned magistrate judge, at (916) 930-4128, no later than 48 hours before the hearing.

8 4. The pro se plaintiff is cautioned that failure to file timely opposition to
9 defendant's motion or to appear at the hearing of the motion may result in a recommendation that
10 this case be dismissed for lack of prosecution and as a sanction for failure to comply with court
11 orders and applicable rules. See Local Rules 110 and 183.

12 5. The Status (Pretrial Scheduling) Conference currently set for January 29, 2010,
13 is vacated and will be reset at a later time, as appropriate. The parties are relieved of the
14 obligation to file status reports.

15 DATED: December 14, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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