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 8 **IN THE UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 JOHN P. MORGAN,

11 Plaintiff,

12 v.

13 JANET NAPOLITANO,

14 Defendant.

CASE NO. 2:09-cv-02649 LKK DAD

**JOINT STIPULATION TO CONTINUE  
 THE HEARING ON DEFENDANT'S  
 MOTION TO DISMISS AND ORDER**

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 16  
 17 Plaintiff John P. Morgan and Defendant Janet Napolitano, by and through their respective  
 18 counsel, and pursuant to Local Rules 230 and 143, hereby stipulate to the continuance of the hearing  
 19 on Defendant's Motion to Dismiss, currently noticed for December 6, 2010, for the reason that  
 20 Plaintiff's counsel is unavailable on that date, and further stipulate to the rescheduling of the hearing  
 21 on January 24, 2011, at 10:00 a.m., the first date available for both parties and the Court.

22 Respectfully Submitted,

23 DATED: November 23, 2010

/s/ Louis Demas

LOUIS DEMAS

Attorney for Plaintiff John P. Morgan

24 DATED: November 23, 2010

BENJAMIN B. WAGNER

United States Attorney


25 By: /s/ J. Earlene Gordon

J. EARLENE GORDON

Assistant United States Attorney

**IT IS SO ORDERED.**

DATED: November 23, 2010.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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