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

RHONDA WHITEROCK FRED,

Plaintiff,

vs.

No. CIV S-10-0845 JAM GGH PS

WASHOE TRIBE OF NEVADA &
CALIFORNIA,

Defendant.

ORDER

_____ /

Plaintiff has filed a motion for summary judgment without noticing it for hearing as required by E.D. Local Rule 230(b). The motion is premature in any event as there is a motion to dismiss currently under submission.

Accordingly, IT IS HEREBY ORDERED that: plaintiff's motion for summary judgment, filed January 31, 2011, (dkt. # 18), is vacated without prejudice to its refile after the motion to dismiss has been determined.

DATED: February 7, 2011

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:076/Fred0845.msJ