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

JAY MATSON,

Petitioner,

No. 2: 10-cv-1047 JAM KJN P

vs.

KATHLEEN ALLISON,

Respondent.

ORDER

_____ /

On July 7, 2010, respondent filed a motion to dismiss. Petitioner failed to file an opposition. Accordingly, on August 12, 2010, petitioner was ordered to show cause why his failure to oppose respondent's motion should not be deemed a waiver of opposition.

On September 3, 2010, petitioner filed a response to the order to show cause. Petitioner states that he mailed his opposition on August 5, 2010. Attached to petitioner's September 3, 2010 pleading is a copy of his opposition although the proof of service does not state the date on which it was mailed.

Good cause appearing, petitioner's opposition is deemed timely filed and the order to show cause is discharged.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The August 12, 2010 order to show cause is discharged;

3 2. Petitioner's opposition, attached to his September 3, 2010 pleading, is deemed
4 timely filed; respondent may file a reply within fourteen days of this order; following that time,
5 respondent's motion to dismiss will be submitted for decision.

6 DATED: September 14, 2010

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10 KENDALL J. NEWMAN
 UNITED STATES MAGISTRATE JUDGE

11 mat1047.ord

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