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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS STEVENS DUMAS,

NO. CIV. S-10-1523 LKK/DAD

Plaintiff,

v.

O R D E R

FIRST NORTHERN BANK, dba
FIRST NORTHERN, et al.,

Defendants.

_____ /

On January 28, 2011 plaintiff in the above-captioned case filed an "Ex Parte Application for Order Shortening Time for Hearing on Plaintiff's Motion for Preliminary Injunction to Restrain Trustee's Sale of Residence," ECF No. 46. Although plaintiff states in that Application that "all of the moving papers for the motion are filed concurrently herewith and electronically served on opposing counsel," no motion for a preliminary injunction has been filed with this court. It is clear, however, that plaintiff intends for the Ex Parte Application to Shorten Time and the attached Memorandum of Points and Authorities to function as

1 a motion for a preliminary injunction, and the court construes it
2 that way.

3 According to plaintiff, a trustee's sale of his home is
4 scheduled for February 16, 2011. Plaintiff requests that a hearing
5 on the preliminary injunction take place on or before February 14,
6 2011. The court declines to adopt the briefing schedule proposed
7 by plaintiff, since the proposed schedule assumes that the court
8 would have been able to issue an order on the same day that the ex
9 parte application was filed, when the application was filed after
10 5:00 p.m. Instead, the court ORDERS the following:

11 [1] A hearing on plaintiff's motion for a Preliminary
12 Injunction to Restrain Trustee's Sale of Residence, ECF No.
13 46 is SET for February 15, 2011 at 10:00 a.m.


14 [2] Defendants shall file an opposition or statement of non-
15 opposition no later than 9:00 a.m. on February 8, 2011.

16 [3] If plaintiff wishes to file a reply, he shall do so no
17 later than 5:00 p.m. on February 9, 2011.

18 IT IS SO ORDERED.

19 DATED: February 1, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT