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

ROBERT E. HUMMER,  
Plaintiff,

No. CIV S-10-1690-FCD-CMK

vs.

ORDER

EMC MORTGAGE CORPORATION,  
et al.,  
Defendants.

\_\_\_\_\_/

Plaintiff, proceeding in this action in propria persona, bring this civil action pursuant to the Real Estate Settlement Procedures Act, 12 U.S.C. § 2603, *et seq.*, and the Truth in Lending Act, 15 U.S.C. § 1601, *et seq.* Pending before the court is the defendants’ motion to dismiss (Doc. 8), set for hearing on October 28, 2010. Plaintiff has not filed an opposition to the motion.

Pursuant to Eastern District of California Local Rules, any opposition “to the granting of the motion shall be in writing and shall be filed and served not less than fourteen (14) days preceding the noticed . . . hearing date.” See Local Rule 230(c). The local rules further provide that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if opposition to the motion has not been timely filed by that party.” Id.

1                   Accordingly, and pursuant to Local Rule 230(g), the hearing scheduled for  
2 October 28, 2010, at 10:00 a.m. before the undersigned in Redding, California, is hereby taken  
3 off calendar and the matter is submitted on the record and briefs.

4                   IT IS SO ORDERED.

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6 DATED: October 21, 2010

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8 **CRAIG M. KELLISON**  
9 UNITED STATES MAGISTRATE JUDGE  
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