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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNY R. BECKER,  
Plaintiff,  
v.  
WELLS FARGO BANK, NA, INC., et al.,  
Defendants.

No. 2:10-cv-2799-TLN-KJN PS

ORDER

Presently before the court is plaintiff's ex parte application for an order shortening time in this action, which seeks a hearing date of June 4, 2015, in regards to plaintiff's motion to settle the district court record. (ECF No. 254.) Pursuant to Local Rule 144(e), a party may file an ex parte application to shorten the time period between the filing of a motion and the date the motion is heard by the court. Such an application must be accompanied by an "affidavit of counsel showing a satisfactory explanation for the need for the issuance of such an order and for the failure of counsel to obtain a stipulation for the issuance of such an order from other counsel or parties in the action." E.D. Local Rule 144(e). Here, plaintiff attached a declaration to his application that indicates that the filing deadline for plaintiff's reply in his appeal of this action is June 10, 2015, and that his motion to settle the district court record must be heard and adjudicated prior to this date because the outcome of this motion would materially impact the contents of his reply filed before the Ninth Circuit Court of Appeals. (ECF No. 254 at 3-4.) Plaintiff further

1 states that he sought a stipulation to shorten time from defendant prior to filing the present  
2 application, but received no response. (Id. at 4.)

3 Plaintiff's application comports with the requirements of Local Rule 144(e) and  
4 demonstrates good cause for the relief plaintiff seeks. Accordingly, IT IS HEREBY ORDERED  
5 that:


6 1. Plaintiff's ex parte application for an order shortening time (ECF No. 254) is  
7 granted.

8 2. The undersigned shall hear plaintiff's motion to settle the district court record on  
9 June 4, 2015, at 10:00 a.m., in Courtroom 25.

10 3. Any response to plaintiff's motion to settle the district court record shall be filed on  
11 or before May 21, 2015, by 5:00 p.m.

12 IT IS SO ORDERED.

13 Dated: May 15, 2015

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16 KENDALL J. NEWMAN  
17 UNITED STATES MAGISTRATE JUDGE  
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