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

FLOYD KNAPP,

Plaintiff,

CIV. NO. S-10-2889 KJM GGH PS

vs.

JP MORGAN CHASE BANK, N.A., et al.,

Defendants.

ORDER

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This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On August 4, 2011, this court issued findings and recommendations, recommending that this action be dismissed for plaintiff's failure to oppose defendants' motion to dismiss. On August 11, 2011, plaintiff filed objections, which state that he did not receive a court order regarding the July 21, 2011 hearing until days after the hearing. He claims he also did not receive the motion to dismiss and was unaware of the hearing or the motion. Although the excuses for non-performance by plaintiff in this action are beginning to wear thin at this point, plaintiff will be given the opportunity to oppose the motion. However, he will not be granted any further extensions.

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Accordingly, IT IS ORDERED that:

1. The findings and recommendations issued August 4, 2011, (dkt. no. 36), are vacated.

2. Plaintiff shall file and serve an opposition to defendants' motion to dismiss on or before September 23, 2011. No extensions will be granted. Once the opposition has been filed, the motion will be taken under submission without a hearing.

3. The Clerk of the Court shall serve plaintiff with defendants' motion filed June 17, 2011, (dkt. no. 29), along with this order.

DATED: September 9, 2011

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE

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