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

ROBERT PERRY, et al.,

No. CIV S-11-0216-GEB-CMK

Plaintiffs,

vs.

ORDER

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

Defendants.

_____ /

Plaintiffs, proceeding in this action in propria persona, bring this civil action related to the foreclosure of their property. This action was removed to this court from the Shasta County Superior Court on January 24, 2011. Pending before the court is the defendants' motion to dismiss (Doc. 6), currently set for hearing on April 7, 2011. Plaintiffs have not filed an opposition to the motion.¹

¹ The motion was previously set for hearing on March 21, 2011, before the District Judge. This case is designated pro se and local rules require such motions to be noticed for hearing before the assigned Magistrate Judge. The hearing set for March 21, 2011, was therefore vacated, and was reset before the undersigned on March 24, 2011. However, the rescheduled hearing date did not provide plaintiff sufficient time to file a timely opposition, and was therefore rescheduled again for April, 7, 2011. Even with this additional time, no opposition has been received.

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

6 Accordingly, and pursuant to Local Rule 230(g), the hearing scheduled for April
7 7, 2011, at 10:00 a.m. before the undersigned in Redding, California, is hereby taken off calendar
8 and the matter is submitted on the record and briefs.

9 IT IS SO ORDERED.

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11 DATED: April 1, 2011

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13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE
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