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

ROBERT WOOTEN,
Plaintiff, No. CIV S-11-1791 MCE DAD PS
v.
COUNTRYWIDE HOME LOANS, INC., ORDER
et al.,
Defendants.

_____/

Plaintiff, Robert Wooten, is proceeding in this action pro se. The case was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On August 29, 2011, defendant Countrywide Home Loans, Inc., (“Countrywide”) filed a motion to dismiss plaintiff’s complaint and set the matter for a hearing before the undersigned on October 7, 2011. On that same day defendant Countrywide filed a certificate of service indicating that plaintiff had been served with a copy of defendant’s motion to dismiss by mail at plaintiff’s address of record. Plaintiff did not file opposition to defendant’s motion and did not appear at the October 7, 2011 hearing. On November 14, 2011, plaintiff filed a document stating that he was unaware of defendant’s motion and the October 7, 2011 hearing. Plaintiff asks that the court reset the matter for a hearing.

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The court finds that additional oral argument would not be of material assistance.
See Local Rule 230(g). Plaintiff will however be granted twenty-one days to file written
opposition to defendant Countrywide's August 29, 2011 motion to dismiss.

IT IS HEREBY ORDERED that:

1. Within twenty-one (21) days from the date of this order, plaintiff shall file
written opposition to defendant Countrywide's August 29, 2011 motion to dismiss. Defendant's
reply, if any, shall be filed within seven (7) days of the date of filing of plaintiff's opposition; and
2. Failure to file opposition will be deemed as a statement of non-opposition to
the pending motion and shall result in a recommendation that this action be dismissed pursuant to
Federal Rule of Civil Procedure 41(b).

DATED: November 17, 2011.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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