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

GIRLIE BELTRAN,

Petitioner,

No. 2: 11-cv-1857 KJN P

vs.

TIM AITKEN, et al.,

Respondents.

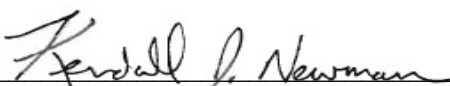
ORDER

_____ /

Petitioner is proceeding through counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. On August 11, 2011, respondents filed a motion to dismiss. Petitioner has not opposed the motion. However, respondent did not notice the motion for hearing as required by Local Rule 230(b).

Accordingly, IT IS HEREBY ORDERED that respondent's motion to dismiss filed August 19, 2011 (Dkt. No. 11) is vacated without prejudice; within twenty days of the date of this order, respondent shall re-file the motion to dismiss and notice it for hearing before the undersigned.

DATED: September 28, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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