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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAMLESH BANGA,
Plaintiff,
v.
PRASAD GUNDUMOLGULA, et al.,
Defendants.

No. 2:13-cv-0667 MCE CKD PS

ORDER

Plaintiff has requested an extension of time to file opposition to defendant Emirates Airlines’ motion to dismiss, currently calendared for hearing on May 29, 2013. An extension of time will be granted and the hearing continued to another date.

Plaintiff has also requested entry of default against defendant Prasad Gundumolgula. Prior to removal of this action from state court, this defendant filed a demurrer to the complaint, which was taken off calendar as mooted by the filing of a first amended complaint. Because defendant has appeared in this action and is represented by counsel, entry of default is not warranted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s request for extension of time (ECF No. 8) is granted. Plaintiff shall file opposition, if any, to the motion to dismiss (ECF No. 5) no later than June 12, 2013. Failure to file opposition may result in a recommendation that this action be dismissed.

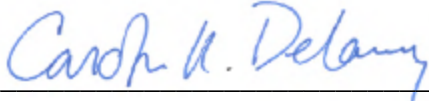
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2. Reply, if any, shall be filed no later than June 26, 2013.

3. The hearing date of May 29, 2013 is vacated. Hearing on defendant's motion to dismiss (ECF No. 5) is continued to July 10, 2013 at 10:00 a.m. in courtroom no. 24.

4. Plaintiff's request for entry of default (ECF No. 9) is denied. Defendant Prasad Gundumolgula shall file a responsive pleading no later than June 12, 2013.

Dated: May 16, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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