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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 BRIEN EDWARD SMITH,

12 Plaintiff,

13 v.

14 LOWE'S HIW, INC.,

15 Defendant.
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No. 2:13-cv-1713 WBS AC PS

ORDER

17 This action was referred to the undersigned pursuant to Local Rule 302(c)(21). On June
18 16, 2014, defendant filed a motion to dismiss pursuant to Federal Rule of Civil Procedure
19 12(b)(6). No opposition to the motion to dismiss has been filed.

20 Local Rule 230(c) provides that opposition to the granting of a motion must be filed
21 fourteen days preceding the noticed hearing date. The Rule further provides that "[n]o party will
22 be entitled to be heard in opposition to a motion at oral arguments if written opposition to the
23 motion has not been timely filed by that party." In addition, Local Rule 230(j) provides that
24 failure to appear may be deemed withdrawal of opposition to the motion or may result in
25 sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules "may be
26 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
27 inherent power of the Court."

28 Good cause appearing, IT IS HEREBY ORDERED that:

1 1. The hearing date of August 6, 2014 is vacated. Hearing on defendant's motion to
2 dismiss is continued to September 10, 2014 at 10:00 a.m. in Courtroom No. 26.

3 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than August 27,
4 2014. Failure to file opposition and appear at the hearing will be deemed as a statement of non-
5 opposition and shall result in a recommendation that this action be dismissed pursuant to Federal
6 Rule of Civil Procedure 41(b).

7 DATED: July 28, 2014

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9 ALLISON CLAIRE
10 UNITED STATES MAGISTRATE JUDGE
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