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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH SMITH,

 Plaintiff,

 v.

UNITED STATES OF AMERICA,

 Defendant.

No. 2:13-cv-2235 MCE CKD PS

ORDER

This action was referred to the undersigned pursuant to Local Rule 302(c)(21).
Calendared for hearing on January 22, 2014 is defendant’s motion to dismiss for lack of
jurisdiction. No opposition to the motion has been filed.

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

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The hearing date of January 22, 2014 is vacated. Hearing on defendant's motion is continued to February 26, 2014 at 10:00 a.m. in courtroom no. 24.

2. Plaintiff shall file opposition, if any, to the motion no later than February 5, 2014. Failure to file opposition will be deemed as a statement of non-opposition and shall result in submission of the motion on the papers and a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

3. Reply, if any, shall be filed no later than February 12, 2014.

Dated: January 10, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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