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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEAN MARC VAN DEN HEUVEL,
Plaintiff,
v.
EXPEDIA TRAVEL, et al.,
Defendants.

No. 2:16-cv-0567 JAM AC (PS)

ORDER

This lawsuit was removed from the Sacramento County Superior Court. See ECF No. 1. Plaintiff is proceeding in pro per, and the matter was accordingly referred to the magistrate judge by E.D. Cal. R. (“Local Rule”) 302(c)(21). The only remaining named defendant in this action is Expedia Travel.

On September 1, 2016, the court ordered plaintiff to show cause why this action should not be dismissed for lack of prosecution, based upon his failure to serve Expedia in a timely manner. ECF No. 33. Plaintiff responded to the OSC, and filed evidence of service on Expedia. See ECF Nos. 34, 35.

Expedia has now moved to dismiss. ECF No. 36. Although plaintiff has not filed a timely opposition, he has filed a change of address. ECF No. 37. Expedia has re-served the motion papers on the address for plaintiff currently on file with the court. ECF No. 38. Since

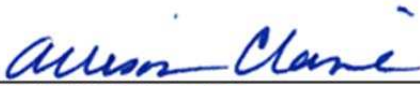
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1 plaintiff may not have received the original motion, the briefing and hearing schedule will be
2 modified.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The OSC (ECF No. 33) is DISCHARGED.
- 5 2. The hearing on Expedia's Motion To Dismiss (ECF No. 36), is CONTINUED to
6 December 14, 2016 at 10:00 a.m., before the undersigned. Plaintiff shall file and serve his
7 Opposition, or a Statement of Non-Opposition, no later than November 30, 2016.
8 Defendant shall file its Reply, if any, no later than December 7, 2016.

9 DATED: November 10, 2016

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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