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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	RENE ORTIZ,	No. 2:17-cv-713-TLN-KJN PS
12	Plaintiff,	
13	V.	<u>ORDER</u>
14	DIVERSIFIED CONSULTANTS, INC.	
15		
16	Defendant.	
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18	Presently pending before the court is defendant's motion to dismiss, which was noticed	
19	for hearing on June 1, 2017. (ECF Nos. 3, 6.) Pursuant to Local Rule 230(c), plaintiff was	
20	required to file an opposition or statement of non-opposition to that motion no later than fourteen	
21	(14) days prior to the hearing, i.e., by May 18, 2017. E.D. Cal. L.R. 230(c). Although that	
22	deadline has passed, the court's records reveal that no opposition or statement of non-opposition	
23	to the motion was filed.	
24	The court has considered whether the case should be dismissed or other sanctions imposed	
25	based on plaintiff's failure to oppose the motion and comply with the Local Rules. Nevertheless,	
26	in light of plaintiff's pro se status, and the court's desire to resolve the action on the merits, the	
27	court finds it appropriate to provide plaintiff with an additional, final opportunity to oppose the	
28	motion.	
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1	Accordingly, IT IS HEREBY ORDERED that:	
2	1. The June 1, 2017 hearing on defendant's motion to dismiss is VACATED, and	
3	defendant's counsel's request to appear telephonically at that hearing is DENIED	
4	WITHOUT PREJUDICE as moot.	
5	2. Plaintiff shall file an opposition or statement of non-opposition to the motion no later	
6	than June 8, 2017.	
7	3. Any reply brief by defendant shall be due no later than June 22, 2017.	
8	4. Thereafter, the motion will be submitted for decision on the record and written	
9	briefing pursuant to Local Rule 230(g). If the court subsequently determines that	
10	supplemental briefing or oral argument is necessary, the parties will be notified.	
11	5. Failure to timely file an opposition or statement of non-opposition to the motion to	
12	dismiss will be construed as plaintiff's consent to dismissal of the action and will	
13	result in dismissal of the action with prejudice pursuant to Federal Rule of Civil	
14	Procedure 41(b).	
15	IT IS SO ORDERED.	
16	Dated: May 24, 2017	
17	Fordall P. Newman	
18	KENDALL J. NEWMAN UNITED STATES MAGISTRATE JUDGE	
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