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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION**


E.S. by and through his parents,  
  
Plaintiff,  
  
v.  
KONOCTI UNIFIED SCHOOL DISTRICT  
  
Defendant.

)  
)  
)  
) Case No. 1:10-cv-02245-NJV  
)  
) **ORDER TAKING DEFENDANT'S**  
) **MOTION TO DISMISS UNDER**  
) **SUBMISSION AND VACATING**  
) **HEARING.**  
)  
)  
)  
)

Pursuant to Civil Local Rule 7-1(b), the Court finds that Defendant's Motion to Dismiss is appropriate for decision without oral argument. The motion will therefore be taken under submission and decided on the papers. The November 16, 2010 hearing is VACATED.

IT IS SO ORDERED

DATED: November 12, 2010

  
The Honorable Nandor J. Vadas  
United States Magistrate Judge