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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SCOTT EMERSON FELIX,

Petitioner,

v.

SHERIFF MICHAEL HENNESSEY,  
Warden,

Respondent.

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No. C 01-03138 WHA


**ORDER VACATING HEARING**

Respondent has filed a motion to dismiss Scott Emerson Felix's petition for writ of habeas corpus. Respondent challenges the petition on timeliness and exhaustion grounds, and also argues that certain claims in the petition pose no federal question. A hearing on the motion is currently scheduled for November 13, 2008, at 8:00 a.m. Both petitioner and respondent indicate that they do not object to the Court deciding the motion without oral argument. Petitioner's counsel also requests that, if the Court wishes to hear argument on the motion, she be permitted to appear telephonically pursuant to Civil Local Rule 7.1(b).

The Court finds that oral argument is unnecessary and will decide the motion on the papers. The November 13 hearing is therefore **VACATED**.

**IT IS SO ORDERED.**

Dated: November 5, 2008

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

**United States District Court**  
For the Northern District of California

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