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

JAMES W. FORSYTHE, M.D., et al.,

No. C-08-5160 MMC

Plaintiffs,

**ORDER VACATING MAY 8, 2009
HEARING**

v.

ERIC HOLDER, et al.,

Defendants

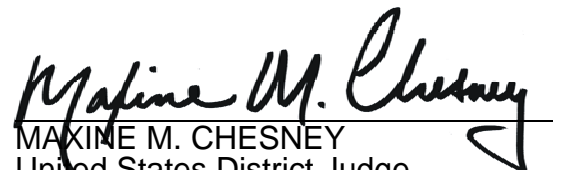
Before the Court is the “Federal Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint,” filed March 25, 2009.¹ Plaintiffs James W. Forsythe, M.D. and Earlene Forsythe (collectively, “the Forsythes”) have filed opposition, to which the Federal Defendants have replied.

Also before the Court is defendant Mark Gunderson, M.D.’s (“Dr. Gunderson”) “Motion to Dismiss First Amended Complaint,” filed March 24, 2009, as amended March 25, 2009. The Forsythes have filed opposition, to which Dr. Gunderson has replied.

Having read and considered the papers filed in support of and in opposition to the motions, the Court finds the motions suitable for decision on the papers submitted and VACATES the hearing scheduled for May 8, 2009.

IT IS SO ORDERED.

Dated: May 1, 2009


MAXINE M. CHESNEY
United States District Judge

¹The “Federal Defendants” are Eric Holder, Charles E. Johnson, Frank Torti, Robert Perlstein, M.D., and John Zelinsky.