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

ROBERT-JOHN FOTI,

Plaintiff,

v.

COUNTY OF MARIN, et al.,

Defendants.

No. C 09-4167 CRB

**ORDER DENYING PLAINTIFF'S
MOTION TO VACATE**

Now pending before the Court is Plaintiff Robert-John Foti's Motion to Vacate its March 12, 2010 Order granting Defendants' Motion to Dismiss. Plaintiff argues that this Court committed various legal and factual errors in its March 12th Order and that the Order should therefore be vacated. Having carefully considered Plaintiff's arguments (almost all of which Plaintiff raised in his Opposition to Defendants' Motion to Dismiss) and reviewed its March 12th Order, the Court finds that its Order is free of the errors Plaintiff alleges. Accordingly, Plaintiff's Motion to Vacate is DENIED. The hearing on that motion, currently scheduled to take place on May 14, 2010, is vacated.

Plaintiff has also filed a Motion to Proceed Without Payment of Fees on appeal. The Court advises Plaintiff that it has no authority to grant such a motion. Plaintiff should direct his request for a waiver of fees on appeal to the Ninth Circuit. Plaintiff's Motion to Proceed

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Without Payment of Fees is therefore also DENIED.

IT IS SO ORDERED.



Dated: April 30, 2010

CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE