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28IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTONIO ACEVEDO,

Plaintiff,

No. C 09-04765 JSW

v.

JP MORGAN CHASE, ET AL.,

Defendants.

**ORDER RE OPPOSITION TO  
PENDING MOTION**

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This matter was set for a hearing on February 5, 2010 on Defendants' motion to dismiss the first amended complaint. On December 21, 2009, the Court issued an order requiring that an opposition to the motion be filed by no later than January 6, 2010. On January 20, 2010, the Court received Defendants' reply indicating that, pursuant to the Northern District Civil Local Rule 7-3(a), Plaintiff's opposition was due on January 15, 2010. Plaintiff has filed no opposition. Accordingly, on January 27, 2010, this Court issued an order to show cause why the case should not be dismissed for failure to prosecute. On February 3, 2010, this Court received a response to the order to show cause indicating that the failure to file an opposition was due to counsel's oversight. However, the Court has still not received an opposition to the pending motion to dismiss. If an opposition is not filed by February 8, 2010, this matter will be dismissed without prejudice.

**IT IS SO ORDERED.**

Dated: February 4, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE