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IN 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 OF DISMISSAL

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 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 still did not receive an opposition to the pending motion to dismiss.

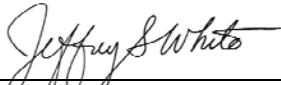
On February 4, 2010, the Court issued a further order indicating that this matter would be dismissed without prejudice if Plaintiff failed to oppose the motion by February 8, 2010. No

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opposition has been filed. Accordingly, the Court DISMISSES this matter without prejudice.
The Clerk shall close the file.

IT IS SO ORDERED.

Dated: February 17, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE