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2
3 UNITED STATES DISTRICT COURT
4 Northern District of California
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6 ROBERT MOORE

No. C 09-04781 MEJ

7 Plaintiff(s),

8 v.

**ORDER DISCHARGING SECOND
OSC**

9 CONTRA COSTA COLLEGE DISTRICT

**ORDER RE-CALENDARING
MOTION TO DISMISS (DKT #31)**

10 Defendant(s).
_____ /

11
12 On December 1, 2010, the Court ordered Plaintiff Robert Moore to show cause why this case
13 should not be dismissed for failure to prosecute. (Dkt. #37.) The Court is now in receipt of
14 Plaintiff's response thereto. (Dkt. #38.) Good cause appearing, the Court hereby DISCHARGES
15 the order to show cause.

16 In his response, Plaintiff states that the Court should enter default against Defendant.
17 However, Defendant has appeared in this matter and filed motions to dismiss in response to
18 Plaintiff's initial and amended complaints. Accordingly, default is inappropriate.

19 As Defendant's second motion to dismiss remains pending, the Court shall conduct a hearing
20 on January 27, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San
21 Francisco, California. Plaintiff shall file any opposition by December 30, 2010, and Defendant shall
22 file any reply by January 13, 2011.

23 **IT IS SO ORDERED.**

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25 Dated: December 16, 2010

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27 _____
28 Maria-Elena James
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT MOORE

Plaintiff,

v.

CONTRA COSTA COLLEGE DISTRICT

Defendant.

Case Number: 09-04781 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 16, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert Moore
626 35th Avenue
Richmond, CA 94805

Dated: December 16, 2010

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk