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

ANNIE G WEAVER,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendants.

Case No. [16-cv-04907-MMC](#)

**ORDER RE: PLAINTIFF'S RESPONSE
TO ORDER DEEMING DEFENDANTS'
MOTION UNOPPOSED**

The Court is in receipt of "Plaintiff's Response to Order Vacating Hearing on Defendants' Motion to Dismiss Complaint," filed September 27, 2016, in which plaintiff seeks leave to file, no later than September 30, 2016, an opposition to defendants' motion to dismiss the complaint.

In support thereof, plaintiff argues the Court erred in issuing its order of September 26, 2016, by which the Court found plaintiff had failed to file timely opposition to defendants' motion, took the motion under submission, and vacated the hearing thereon. In particular, plaintiff contends that, where a motion is filed in a case that subsequently is reassigned, the deadline for filing opposition is 14 days from the date on which the motion is noticed for hearing, rather than 14 days from the date on which the motion was filed.

The Court construes plaintiff's response as a motion for reconsideration based on an error of law. The order of reassignment, however, expressly provides that, when a case is reassigned, "[b]riefing schedules . . . and other case deadlines remain unchanged." (See Order, filed Sept. 7, 2016).

Nevertheless, the Court will afford plaintiff the opportunity to file his opposition by

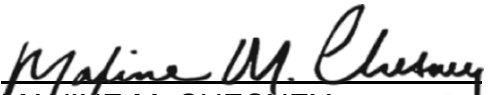
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September 30, 2016 and sets aside its order vacating the hearing.

In light of the above, defendants' reply is due no later than October 7, 2016.

IT IS SO ORDERED.

Dated: September 28, 2016


MAXINE M. CHESNEY
United States District Judge