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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EDWARD N. NEWTOP,

No. C 08-02852 SBA

Plaintiff,

ORDER

v.

[Docket No. 15]

U.S. GOVERNMENT,

Defendant.

9
10 Before the Court is defendant's Motion and Memorandum in Support of Motion to Dismiss
11 Complaint [Docket No. 15]. On December 19, 2008, the Court set a briefing schedule for the
12 motion. *See* Docket No. 16. Plaintiff's opposition, if any, was due on or before January 12, 2009
13 and defendant's reply, if any, was due on or before January 19, 2009. *See id.* On January 5, 2009,
14 the Court's Order setting the briefing schedule was returned as undeliverable. *See* Docket No. 17.
15 Under Civil Local Rule 3-11, pro se parties, as do all parties, have a duty to keep the Court apprised
16 of any changes of address. Further, paragraph 8 of the Court's Standing Order for Civil Cases
17 provides that a party's failure to oppose a motion constitutes a consent to granting it. As plaintiff
18 has failed to oppose defendant's motion, the Court GRANTS the motion as unopposed, and
19 DISMISSES this matter without prejudice. The Clerk shall CLOSE the file and terminate any
20 pending matters.

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22 IT IS SO ORDERED.

23
24 January 20, 2009

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Sandra Brown Armstrong
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NEWTOP et al,
Plaintiff,
v.
U.S. GOVERNMENT et al,
Defendant.

Case Number: CV08-02852 SBA
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 January 21, 2009, 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.

Edward N. Newtop
P.O. Box 425028
San Francisco, CA 94142

Dated: January 21, 2009

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk