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

No. C 09-2837 CW

JOSE REYNOSO,  
Plaintiff,

**AMENDED** ORDER TAKING  
MOTION UNDER  
SUBMISSION

v.

WACHOVIA,  
Defendant.

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On August 3, 2009, Defendant Wachovia filed a Motion to Dismiss Complaint Under FRCP 12(b)(6) and noticed the motion for hearing on September 24, 2009. Plaintiff's opposition to the motion was due September 3, 2009. Plaintiff has not filed an opposition to the motion. Accordingly,

Notice is hereby given that the Court, on its own motion, shall take Defendant Wachovia's Motion to Dismiss Complaint Under FRCP 12(b)(6) under submission on the papers. The hearing previously scheduled for September 24, 2009, is vacated. Plaintiff's opposition to the motion will be due September 17, 2009, and any reply by Defendant will be due September 24, 2009.

1 Failure by Plaintiff to timely file a written opposition to the  
2 motion will result in dismissal of this case for failure to  
3 prosecute.

4 Dated: 9/4/09



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CLAUDIA WILKEN  
United States District Judge

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1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
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6 JOSE REYNOSO,

Case Number: CV09-02837 CW

7 Plaintiff,

**CERTIFICATE OF SERVICE**

8 v.

9 WACHOVIA et al,

10 Defendant.  
11 \_\_\_\_\_/

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

14 That on September 9, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 Jose Reynoso  
19 319 E. Home St.  
20 Oakley, CA 94561

21 Dated: September 9, 2009

22 Richard W. Wiekling, Clerk  
23 By: Sheilah Cahill, Deputy Clerk  
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