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4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION

7 IN RE GUISEPPE VIOLA,
8 Debtor.

Case No: C 11-0817 SBA

[Bankruptcy Case No: 10-30904 DM]

9 **SCHEDULING ORDER ON**
10 **DEBTOR'S MOTION FOR**
11 **WITHDRAWAL OF REFERENCE**

12 On February 22, 2011, debtor Guiseppe Viola ("Viola") filed a pro se motion for
13 withdrawal of reference in the above-captioned bankruptcy proceeding. Pursuant to
14 Bankruptcy Local Rule 5011-2(a), his motion to withdraw reference has been transmitted to
15 this Court.

16 On March 3, 2011, Viola filed a motion to set a March 16, 2011 hearing date on his
17 motion for withdrawal of reference. Dkt. 7. Viola, a California state prisoner currently
18 incarcerated in Maricopa County, Arizona, also filed a petition for writ of habeas corpus ad
19 prosequendum, requesting that he be released from prison in order to appear in court at his
20 requested March 16, 2011 hearing date. Dkt. 6. To date, no opposition to the motion for
21 withdrawal of reference has been received. Bankruptcy Local Rule 5011-(2)(d) sets forth the
22 procedure for motions for withdrawal of reference and provides:

23 Unless the assigned District Judge orders otherwise: within 14 days after
24 receiving notice of the assignment to a District Judge under subsection (c) of this
25 rule, any party objecting to withdrawal of the reference shall file in the District
26 Court its opposition brief of not more than ten pages; 14 days thereafter, any
27 party supporting withdrawal of the reference may file a reply brief of not more
28 than ten pages; no hearing will be held unless the assigned District Judge orders
otherwise.

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Therefore, pursuant to Rule 5011-(2)(d),

IT IS HEREBY ORDERED THAT:

1. Any party objecting to Viola's motion for withdrawal of reference shall file an opposition brief, not to exceed ten (10) pages, by no later than March 23, 2011.
2. Any reply brief, not to exceed ten (10) pages, shall be filed by no later than April 6, 2011.
3. Viola's motion for a March 16, 2011 hearing date is DENIED, the March 16, 2011 motion hearing is VACATED, and Viola's petition for writ of habeas corpus ad prosequendum is DENIED as MOOT; this matter will be deemed submitted for disposition without a hearing upon the deadline for the filing of a reply.
4. This order terminates Docket No. 7.

IT IS SO ORDERED.

Dated: March 9, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 In Re Giuseppe Viola

5 _____/

6 Case Number: CV11-00817 SBA

7 **CERTIFICATE OF SERVICE**

8
9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on March 10, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Office of the U.S. Trustee / SF
16 Office of the U.S. Trustee
17 235 Pine St.
18 Suite 700
19 San Francisco, CA 94104

20 United States Bankruptcy Court Northern District of California
21 USBC-San Francisco
22 for the Northern Dist. of CA
23 235 Pine St
24 P.O. Box 7341
25 San Francisco, CA 94104

26 Dennis Montali
27 US Bankruptcy Court
28 Northern District of California
P.O. Box 7341
235 Pine Street
San Francisco, CA 94120-7341

Giuseppe Viola P-657963
Maricopa County Jail
The Fourth Avenue Jail
201 S. 4th Avenue
Phoenix, AZ 85003

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Dated: March 10, 2011

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