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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**MICHAEL L. WAGNER,**

**Plaintiff,**

**v.**

**STACEY CRYER, in her Official Capacity as  
Director, County of Mendocino County;  
HEALTH AND HUMAN SERVICES,  
unknown Named Director of County of San  
Francisco,**

**Defendants.**

**Case No.: 13-CV-5167 YGR**

**ORDER REGARDING PLAINTIFF'S FAILURE TO  
FILE AN OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS; VACATING MOTION  
HEARING**

On November 6, 2013, Plaintiff filed the instant *pro se* civil rights complaint under 42 U.S.C. section 1983. Before the Court is a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), filed by defendant Stacey Cryer. (Dkt. No. 27.) Cryer filed her motion on April 15, 2014, setting it for hearing June 17, 2014. Under Civil Local Rule 7-3, Plaintiff's response to the motion to dismiss was due April 29, 2014.

To date, Plaintiff has failed to oppose the Motion. Plaintiff shall file an opposition to the Motion to Dismiss no later than **May 28, 2014**. Failure to file an opposition by that date will result in **dismissal** of Plaintiff's action for failure to prosecute.


Any reply to an opposition must be served and filed not more than 7 days after the opposition is served and filed. Civ. L.R. 7-3(c).

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The Court **VACATES** the June 17, 2014 motion hearing. The Court will reset the hearing if necessary.

**IT IS SO ORDERED.**

Date: May 14, 2014

  
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**YVONNE GONZALEZ ROGERS**  
**UNITED STATES DISTRICT COURT JUDGE**