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E-filed 04/22/11

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOHNNY BROWNING,
Plaintiff,
v.
SOLMENTUM and SUNRUN,
Defendants.

Case Number 5:11-CV-00174 JF (HRL)

**ORDER¹ GRANTING MOTION TO
DISMISS WITH LEAVE TO
AMEND**

[Re: Docket No. 7]

Plaintiff Johnny Browning brings the instant action against Defendants Solmentum and SunRun for employment discrimination in violation of Title I of the Americans with Disabilities Act, 42 U.S.C. §§ 12111-12117. SunRun moves to dismiss for failure to state a claim upon which relief may be granted. The Court concludes that the motion is appropriate for determination without oral argument and will vacate the hearing scheduled for April 29, 2011. *See Civ. L. R. 7-1(b).*

Plaintiff's opposition was due at least twenty-one days before the noticed hearing date of April 29, 2011, or no later than April 8, 2011. *See Civ. L. R. 7-3(a).* As of the date of this order,

¹ This disposition is not designated for publication in the official reports.

1 Plaintiff has not filed opposition papers. Because the instant motion appears well-taken and is
2 unopposed, the motion will be granted, with leave to amend.

3
4 **ORDER**

5 For good cause shown:

- 6 (1) the motion to dismiss is GRANTED, with leave to amend;
7 (2) any amended pleading shall be filed within twenty (20) days of the date this order
8 is filed;
9 (3) the hearing date of April 29, 2011 is VACATED.
10

11 **IT IS SO ORDERED**

12
13 DATED: 04/22/11

14 
15 JEREMY FOGEL
16 United States District Judge