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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TONY J. WAYNE,	)	Case No. 07cv1605-JM (BLM)
	)	
Plaintiff,	)	<b>ORDER TAKING MOTION UNDER</b>
v.	)	<b>SUBMISSION</b>
	)	
O. LEAL, et al.,	)	[Doc. No. 68]
	)	
Defendants.	)	
_____	)	

On January 9, 2009, Defendants filed a motion to dismiss Plaintiff's Second Amended Complaint. Doc. No. 68. Plaintiff has not yet responded as provided for by Civil Local Rule 7.1(e)(2).

Upon completion of the briefing, the Court will take the matter under submission pursuant to Civil Local Rule 7.1(d)(1) *and no personal appearances on the February 27, 2009 hearing date should be made.*

**IT IS SO ORDERED.**

DATED: January 13, 2009



BARBARA L. MAJOR  
United States Magistrate Judge