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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TERRY LYDELL KIRKPATRICK, SR.,)	Case No. 09cv2020-JM (BLM)
)	
Plaintiff,)	ORDER TAKING MOTION UNDER
v.)	SUBMISSION
)	
GUILLERMO GIRON,)	[Doc. No. 6]
)	
Defendant.)	
_____)	

On December 14, 2009, Defendant filed a motion to dismiss Plaintiff's Complaint. Doc. No. 6. 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 9, 2010 hearing date should be made.*

IT IS SO ORDERED.

DATED: December 14, 2009



BARBARA L. MAJOR
United States Magistrate Judge