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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**HERMINA CORNEJO, LEONEL
CORNEJO, and NOE CORNEJO,**

Plaintiffs,

v.

**FCI LENDER SERVICES, INC.,
DOWNEY SAVINGS AND LOANS
ASSOCIATION, F.A.;**

Defendants.

NO. 1:09-CV-00259-AWI-SMS

**ORDER VACATING
HEARING DATE OF
MARCH 30, 2009, AND
TAKING MATTER UNDER
SUBMISSION**

Defendants have noticed for hearing and decision a motion to dismiss. The matter was scheduled for hearing to be held on March 30, 2009. Pursuant to Local Rule 78-230(c), Plaintiffs were required to file either an opposition or a notice of non-opposition no later than March 16, 2009. Plaintiffs failed to do so.

Due to Plaintiffs' failure to file a timely opposition or notice of non-opposition, they are in violation of the Local Rules. See 78-230(c). Plaintiffs are further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The court has reviewed Defendants' motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

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Therefore, IT IS HEREBY ORDERED that the previously set hearing date of March 30, 2009, is VACATED, and no party shall appear at that time. As of March 30, 2009, the court will take the matter under submission, and will thereafter issue its decision.

IT IS SO ORDERED.

Dated: March 25, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE