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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

<hr/>)	No. CV 09-00336 SOM-BMK
OKLEVUEHA NATIVE)	DEFENDANTS’ NOTICE
AMERICAN CHURCH OF HAWAII,)	REGARDING DEFENDANTS’
INC.,)	REPLY IN SUPPORT OF
MICHAEL REX “RAGING BEAR”)	MOTION TO DISMISS;
MOONEY,)	CERTIFICATE OF SERVICE
)	
Plaintiffs)	
)	
vs.)	
)	
ERIC H. HOLDER, JR., U.S.)	
Attorney General;)	
MICHELE LEONHART, Acting)	
Administrator, U.S. Drug)	
Enforcement Administration;)	
<u>FLORENCE T. NAKAKUNI, U.S.</u>)	

Attorney for the District of Hawaii,)
)
 Defendants)
)

**DEFENDANTS’ NOTICE REGARDING DEFENDANTS’ REPLY IN
SUPPORT OF MOTION TO DISMISS**

Defendants’ Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim (dkt. no. 12) is set for hearing on January 12, 2010. Plaintiffs’ opposition to Defendants’ motion was due one week ago, on December 22, 2009, and Defendants’ reply is due today, December 29, 2009. Plaintiffs have not yet filed an opposition to Defendants’ motion. Accordingly, the Court may treat Defendants’ motion to dismiss as unopposed and may grant the motion. See Loc. R. 7.4 (“Any opposition . . . that is untimely filed may be disregarded by the court or stricken from the record.”).

Defendants’ counsel contacted Plaintiffs’ counsel on December 28, 2009, to inquire about the status of Plaintiffs’ opposition and Plaintiffs’ intentions. Plaintiffs’ counsel stated that he misread the Federal Rules of Civil Procedure and this Court’s local rules and mistakenly believed that Plaintiffs’ opposition was due January 5, 2010. Plaintiffs’ counsel stated that he intends to shortly file an opposition and a motion for extension of time pursuant to Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure. Defendants reserve the right to oppose any motion for extension that Plaintiffs file.

Date: December 29, 2009

Respectfully submitted,

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/s/ JAMES C. LUH

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