IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Phillip Dunn Plaintiff, vs. Matthew Cate, et al., Defendants.	No. CV-08-0873-NVW **ORDER**

By order of January 12, 2010, Defendants' Motion to Dismiss was granted in part and denied in part. (Doc. # 31.) Therefore, Defendants' time to file an answer to the First Amended Complaint expired on January 26, 2010. Fed. R. Civ. P. 12(a)(4)(A). No answer has been filed.

IT IS THEREFORE ORDERED that Plaintiff show cause by February 19, 2010, why this action should not be dismissed for lack of prosecution unless an application for entry of default or answer to the First Amended Complaint is filed before then.

DATED this 2nd day of February, 2010.

Neil V. Wake
United States District Judge