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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ZELTIQ AESTHETICS, INC.,
Plaintiff,
v.
SUN SERENITY SPA and JACQUIE
PEREZ,
Defendants.

No. 1:15-cv-01204-DAD-SMS

ORDER TO SHOW CAUSE

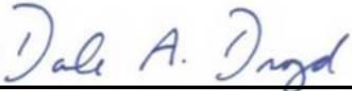
On October 28, 2015, plaintiff filed a motion for default judgment on its claims for trademark infringement, false advertising, and unfair competition under the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, and unfair competition under California Business & Professions Code § 17200. (Doc. No. 13.) On February 12, 2016, plaintiff’s motion was denied without prejudice after the undersigned and the magistrate judge to whom the matter was referred determined plaintiff had failed to set forth sufficient facts demonstrating irreparable harm. (Doc. No. 20.) More than ninety days have elapsed since that order was issued. No further motions have been filed by plaintiff, and no further hearings or deadlines are currently scheduled in the case. Therefore, the court now issues this order to show cause as to why the matter should not be dismissed in its entirety for failure to prosecute. *See Hernandez v. City of El Monte*, 138 F.3d 393, 400 (9th Cir. 1998) (“The district court has the inherent power *sua sponte* to dismiss a case for lack of prosecution.”) (quoting *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986)).

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Therefore, within **fourteen (14) days** of service of this order, plaintiff must respond in writing showing cause as to why this matter should not be dismissed for failure to prosecute. This writing must include a reasonable date by which plaintiff intends to file any further motions for entry of default judgment. The undersigned reminds plaintiff any such motions must be fully supported, as outlined in this court's prior orders. Failure to respond to this order to show cause or to establish a reasonable date by which plaintiff will file any subsequent motions for entry of default judgment may result in this case being dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: May 24, 2016



UNITED STATES DISTRICT JUDGE