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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

THERESA BROOKE, a married woman  
dealing with her sole and separate claim,

Plaintiff,

v.

SHYAM LLC, a California limited liability  
company dba Best Western Fresno Inn,

Defendant.

Case No. 1:18-cv-00392-DAD-SKO

**ORDER TO SHOW CAUSE WHY  
THIS CASE SHOULD NOT BE  
RECOMMENDED FOR DISMISSAL**

(Doc. 7)

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On March 22, 2018, Plaintiff Theresa Brooke filed a complaint pursuant to Title III of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101–12213; the California Unruh Act, California Civil Code § 51 *et seq.*; and the California Disabled Persons Act, California Civil Code §§ 54–54.3. (Doc. 1 (“Compl.”).) Plaintiff alleges that she requires the use of a wheelchair for mobility (Compl. ¶¶ 4, 9), and the property that is the subject of this suit, Best Western Fresno Inn (the “Property”), presents a barrier that interfered with her ability to use and enjoy the goods, services, privileges, and accommodations offered at the Property (Compl. ¶¶ 4, 11–16). Defendant Shyam LLC was served with the Complaint on March 27, 2018 (Doc. 4), and default was entered against it on April 20, 2018. (Doc. 6.)

1 On June 25, 2018, the Court ordered Plaintiff, within 21 days of entry of the order, to file its  
2 motion for default judgment against Defendant. (Doc. 7.) In accordance with the order, Plaintiff's  
3 motion for default judgment was due to be filed on or before July 16, 2018. (*See id.*) To date, no  
4 motion for default judgment has been filed. Plaintiff is, therefore, ordered to show cause, if any,  
5 why the action should not be dismissed for failure to comply with the Court's June 25, 2018, order  
6 and for want of prosecution. Alternatively, Plaintiff may file a motion for default judgment against  
7 Defendant or a notice of dismissal.

8 Accordingly, it is HEREBY ORDERED that:

- 9 1. By no later than **July 27, 2018**, Plaintiff shall:
- 10 a. file a written response showing cause why the Court should not dismiss this
  - 11 action for failure to comply with the Court's June 25, 2018, order and for
  - 12 want of prosecution; or
  - 13 b. file a motion for default judgment pursuant to Fed. R. Civ. P. 55(b)(2) against
  - 14 Defendant; or
  - 15 c. file a notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).

16 **Failure to respond to this Order to Show Cause will result in a recommendation to the**  
17 **presiding district court judge that this action be dismissed in its entirety.**

18 IT IS SO ORDERED.

19 Dated: July 24, 2018

20 */s/ Sheila K. Oberto*  
21 UNITED STATES MAGISTRATE JUDGE

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