IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROSEMARY DILLON,

Plaintiff,

v.

SAN FRANCISCO VETERANS ADMINISTRATION FORT MILEY HOSPITAL, named as "EEO" at Fort Miley, Hospital, 4150 Clement Street, San Francisco, CA 94121,

Defendant.
/

No. C 04-01192 JSW

ORDER

On December 8, 2004, this Court granted Defendant's motion to dismiss, but gave Plaintiff leave to amend her complaint. The Court ordered Plaintiff to file an amended complaint by no later than January 10, 2005. In apparent response to that Order, the Court received a letter dated December 21, 2004, from Plaintiff, which it construed as a request to reconsider its decision on the motion to dismiss.

On January 12, 2005, the Court issued an Order denying the request to reconsider the Order denying the motion to dismiss. In that same Order, because Plaintiff had not filed an amended complaint, the Court ordered Plaintiff to show cause as to why her case should not be dismissed for failure to prosecute. Plaintiff was ordered to file a written response by February 11, 2005.

In apparent response to that Order, Plaintiff sent a letter dated January 26, 2005, which states only that Plaintiff has not done anything wrong and reiterating her belief that she has been wronged by Defendant.

Plaintiff did not, however, provide the Court with an explanation as to why she had not complied with the Court's order to file an amended complaint, nor did she file any document with the Court that could be construed as an amended complaint.

On February 17, 2005, having considered the Plaintiff's correspondence and considering that, after having ample opportunity to do so, Plaintiff has not complied with the Court's order to file an amended complaint, the Court issued an Order dismissing the case for failure to prosecute and directed the Clerk to close the file.

The Court recently has received a letter from Plaintiff, dated August 18, 2008.[1] In that letter, Plaintiff says she complied with the Court's Order to provide a proof of discrimination in the year 2000. That is not, however, what the Court Ordered. Accordingly, the Court finds no basis to reopen this case. To the extent Plaintiff's August 18, 2008 letter can be construed as a request to reopen or reconsider this Court's prior Orders, that request is DENIED.

IT IS SO ORDERED.

Dated: SEP 12 2008

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

[1] The Clerk is HEREBY ORDERED to docket the letter.

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF CALIFORNIA

DILLON,

Plaintiff,

v.

SAN FRANCISCO VETERANS ADMINISTRATION FORT MILEY H et al,

Defendant.
_____/

Case Number: CV04-01192 JSW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 12, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

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Dated: September 12, 2008

Richard W. Wieking, Clerk
By: R.B. Espinosa, Deputy Clerk