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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

REBECCA T. SHUMYE,
Plaintiff,
v.
SAMUEL D. FELLEKE,
Defendant

No. C-06-3322 MMC

**ORDER SCHEDULING SEPTEMBER 30,
2008 HEARING ON PLAINTIFF'S
RESPONSE TO COURT'S ORDER TO
SHOW CAUSE**

On August 20, 2008, the Court ordered plaintiff to show cause, no later than August 29, 2008, why the instant action should not be dismissed for failure to prosecute and for failure to comply with court orders. On September 4, 2008, plaintiff filed an untimely response to the Court's order, to which defendant, on September 8, 2008, filed a reply.


In her response to the Court's order, plaintiff requests that the Court schedule a hearing to consider whether plaintiff has shown that dismissal is not warranted. Having read and considered plaintiff's response to the Court's order of August 20, 2008, as well as defendant's reply thereto, the Court finds a hearing is appropriate.

Accordingly, the Court hereby schedules a hearing for Tuesday, September 30, 2008, at 10:00 a.m. At such hearing, the Court will only consider whether plaintiff has shown that the instant matter should not be dismissed. Should the Court, after conducting the September 30, 2008 hearing, find that dismissal is not warranted, the Court will

1 schedule a Pretrial Conference, at which proceeding the Court will consider any other issue
2 that needs to be addressed before a trial can be conducted.

3 **IT IS SO ORDERED.**

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5 Dated: September 11, 2008

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7 MAXINE M. CHESNEY
8 United States District Judge
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