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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. 06-06536 MHP

EXTENET SYSTEMS, INC.

Plaintiff(s),

vs.

CITY OF SAN FRANCISCO, et al.,

Defendant(s).

**ORDER OF
DISMISSAL FOR
LACK OF
PROSECUTION**

United States District Court
For the Northern District of California

This action was filed on October 18, 2006. Substantial activity occurred between the filing date and the last status conference on October 7, 2008. At that time dates were set for the filing of motions and a hearing date reserved for December 8, 2008. However, nothing has been filed since that date and calls and/or e-mails to plaintiff's counsel by the Courtroom Deputy have not been answered. The court is aware that in the meanwhile a Ninth Circuit decision in a related case changed the lay-of-the-land. Nonetheless, that is not a reason to allow a case to lay dormant.

Therefore, this action is DISMISSED for lack of prosecution. If there is any reason to reopen this case, plaintiff must timely move to reconsider this order and to reopen the action. This dismissal is without prejudice.

Date: February 2, 2011


MARILYN HALL PATEL
United States District Court Judge