

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

KAYTRENA J. FRANCIS,

Plaintiff,

No. C 07-06125 JSW

v.

ORDER OF DISMISSAL

UNITED STATES OF AMERICA, et al.,

Defendants.

On September 16, 2008 and September 23, 2008, this Court issued Orders resolving a number of motions to dismiss filed by the Defendants in this case. On September 23, 2008, the Court also issued a partial judgment pursuant to Federal Rule of Civil Procedure 54(b).

The only claims that were not dismissed were claims for assault and battery, however the events giving rise to those claims took place in Florida. Accordingly, in its September 23, 2008 Order, the Court Ordered the parties to show cause why those claims should not be transferred to the Northern District of Florida. Plaintiff's response was due on October 31, 2008. Although Plaintiff filed a notice of appeal on October 14, 2008, she did not file a response to the issue of transfer.

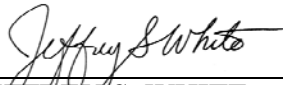
Because Plaintiff is proceeding *pro se*, the Court *sua sponte* granted her an extension until November 21, 2008, to show cause as to why her claims for assault and battery should not be transferred. The Court specifically advised Plaintiff that a failure to submit a response by November 21, 2008, would result in the dismissal of the remaining claims.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In contravention of the Court's Order of November 6, 2008, Plaintiff did not file a response to the Court's Orders to Show Cause why the assault and battery claims should not be transferred. Accordingly, those claims, which are the only remaining claims in this action are **HEREBY DISMISSED** for failure to prosecute. A separate judgment shall issue.

IT IS SO ORDERED.

Dated: December 1, 2008



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KAYTRENA J FRANCIS,
Plaintiff,

Case Number: CV07-06125 JSW

CERTIFICATE OF SERVICE

v.


UNITED STATES OF AMERICA et al,
Defendant.

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 December 1, 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.

Kaytrena J. Francis
1467 7th Avenue
105
San Francisco, CA 94122

Dated: December 1, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk