

United States District Court  
For the Northern District of California

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

MICHAEL FERNANDES,  
Plaintiff,  
v.  
WILLOWS CENTER CONCORD, LLC,  
Defendant

No. C-08-2448 MMC

**ORDER DIRECTING PLAINTIFF TO  
SHOW CAUSE WHY ACTION SHOULD  
NOT BE DISMISSED FOR FAILURE TO  
PROSECUTE**

By order filed May 13, 2008, the parties and counsel were directed to conduct a joint inspection of the premises at issue herein and to do so no later than August 21, 2008. (See Scheduling Order for Cases Asserting Denial Of Right to Access Under Americans With Disabilities Act Title III.) Further, plaintiff was ordered to file, no later than 45 days after the joint site inspection, a Notice of Need for Mediation. (See *id.*) To date, plaintiff has not filed a Notice of Need for Mediation.

Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no later than November 4, 2008, why the above-titled action should not be dismissed for failure to prosecute. In the event plaintiff files a Notice of Need for Mediation on or before November 4, 2008, this Order to Show Cause will stand discharged without further order of the Court.

**IT IS SO ORDERED.**

Dated: October 21, 2008

  
MAXINE M. CHESNEY  
United States District Judge