

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

GRACE MILES,

No. C-08-4375 MMC

Appellant,

**ORDER DISCHARGING ORDER TO
SHOW CAUSE; SETTING BRIEFING
SCHEDULE; DIRECTIONS TO MILES**

v.

ROYCE LEE MAKISHIMA, et al.,

Appellees.

On February 27, 2009, the Court ordered appellant Grace Miles (“Miles”) to show cause why the above-titled action should not be dismissed for failure to prosecute, as Miles failed to file her opening brief by the February 20, 2009 deadline for such filing. (See Order filed Feb. 27, 2009 (“OSC”) at 2.) On March 13, 2009 and March 16, 2009, respectively, Miles filed a response and an amended response to the Court’s OSC.

Having read and considered Miles’s response and amended response, the Court finds Miles has failed to adequately explain her failure to timely file her opening brief. In particular, Miles was expressly advised in the OSC that her filing of a bankruptcy petition would not stay the above-titled action. (See OSC at 2:11-16.) Further, even assuming, arguendo, Miles received information contrary to the OSC from a deputy clerk, Miles was not entitled to rely on such information.¹ Nevertheless, the Court will afford Miles one final

¹Miles is hereby ADVISED that the Clerk’s Office does not give legal advice and to the extent any party purports to rely on information obtained from said Office, such information does not constitute a legal excuse for any action taken or not taken in mistaken reliance thereon.


1 extension to file her opening brief. Accordingly, the Court's OSC is hereby DISCHARGED,
2 and the following briefing schedule is hereby SET:

3 Miles shall serve and file her opening brief no later than April 24, 2009. Appellees
4 shall serve and file their brief no later than twenty days after service of Miles's brief. Miles
5 shall serve and file her reply brief no later than ten days after service of appellees' brief.

6 If Miles fails to file her opening brief by the above-referenced deadline, the action will
7 be dismissed for failure to prosecute.

8 **IT IS SO ORDERED.**

9
10 Dated: March 24, 2009


MAXINE M. CHESNEY
United States District Judge

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28