

United States District Court
For the Northern District of California

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

EUNICE L. PARQUET,
Plaintiff(s),
vs.
HILTON HOTEL,
Defendant(s).

No. C 09-0792 MEJ
**ORDER FOR CLERK OF COURT TO
REASSIGN CASE
REPORT & RECOMMENDATION**

Plaintiff Eunice L. Parquet commenced this action on February 23, 2009. At the same time, she filed an application to proceed in forma pauperis. (Dkt. #2.) On February 26, 2009, the Court ordered Plaintiff to file a consent to the undersigned magistrate judge's jurisdiction or a request for reassignment to a district court judge. (Dkt. #4.) Although the Court set a filing deadline of March 19, 2009, Plaintiff failed to respond. Accordingly, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute and comply with court deadlines. (Dkt. #5.) The Court ordered Plaintiff to file a declaration by April 9, 2009 and scheduled a hearing on April 16, 2009

On April 16, 2009, the Court conducted an order to show cause hearing. Plaintiff failed to appear at the hearing and failed to file any declaration. In fact, Plaintiff has made no further appearances in this matter since filing her initial complaint and in forma pauperis application. Based on this procedural history, the Court finds it appropriate to dismiss this case pursuant to Federal Rule of Civil Procedure 41(b). Accordingly, because Plaintiff has yet to consent to the


1 undersigned's jurisdiction, the Court hereby ORDERS the Clerk of Court to reassign this case to a
2 district court judge. The undersigned RECOMMENDS that the newly-assigned judge dismiss this
3 case for failure to prosecute and failure to comply with the Court's deadlines and orders.

4 Pursuant to Federal Rule of Civil Procedure 72, any party may serve and file objections to
5 this Report and Recommendation within 10 days after being served.

6 **IT IS SO ORDERED AND RECOMMENDED.**

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8 Dated: April 16, 2009



MARIA-ELENA JAMES
United States Magistrate Judge

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2 UNITED STATES DISTRICT COURT
3 FOR THE
4 NORTHERN DISTRICT OF CALIFORNIA

5 EUNICE PARQUET,

6 Plaintiff,

7 v.

8 HILTON HOTEL,

9 Defendant.

Case Number: CV09-0792 MEJ

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on April 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
14 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.

16 Eunice L. Parquet
17 22078 Arbor Avenue, Apt. 222
18 Hayward, CA 94541

19 Dated: April 16, 2009

20 Richard W. Wieking, Clerk
21 By: Brenda Tolbert, Deputy Clerk

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For the Northern District of California