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United States District Court
For the Northern District of California

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

JENNIFER HO,

No. C 09-1600 MEJ

Plaintiff(s),

ORDER VACATING OSC

vs.

**ORDER FOR PLAINTIFF TO FILE
OPPOSITION**

POSTMASTER GENERAL,

Defendant(s).

On October 28, 2009, the Defendant in the above-captioned matter filed a Motion for Summary Judgment, with a noticed hearing date of December 3, 2009. (Dkt. #19.) Pursuant to Civil Local Rule 7, Plaintiff Jennifer Ho's opposition or statement of non-opposition was due by November 12, 2009. However, Plaintiff failed to file an opposition. Accordingly, on November 16, 2009, the Court vacated the December 3 hearing and ordered Plaintiff to show cause why sanctions, including granting Defendant's motion, should not be imposed for failure to prosecute and comply with court deadlines. (Dkt. #23.) The Court ordered Plaintiff to file a declaration by December 3, 2009, and scheduled a hearing on December 10, 2009.

Although Plaintiff did not file a declaration in response to the order to show cause, she did appear at the December 10 hearing. When questioned about her intent to proceed with her case, Plaintiff requested additional time to file an opposition. Good cause appearing, the Court hereby VACATES the order to show cause. Plaintiff shall file any opposition to Defendant's motion by December 17, 2009. As the Court warned Plaintiff at the hearing, if she fails to file an opposition by December 17, the Court may impose sanctions, including granting Defendant's motion.

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If Plaintiff files an opposition by December 17, the Court shall re-calendar Defendant's motion for hearing and set a deadline for Defendant to file any reply.

IT IS SO ORDERED.

Dated: December 10, 2009



MARIA-ELENA JAMES
United States Magistrate Judge

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

4 JENNIFER HO,

5 Plaintiff(s),

6 vs.

7 POSTMASTER GENERAL,

8 Defendant.

Case Number: CV09-1600 MEJ

CERTIFICATE OF SERVICE

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

11 That on December 10, 2009, I SERVED a true and correct copy(ies) of the attached, by placing
12 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
13 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
14 delivery receptacle located in the Clerk's office.

14 Jennifer Ho
15 4204 Santa Rita Street
16 Oakland, CA 94601

17 Dated: December 10, 2009

18 Richard W. Wieking, Clerk
19 By: Brenda Tolbert, Deputy Clerk