

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

DAN HARTMANN,

No. C 09-03227 WHA

Plaintiff,

v.

**ORDER TO SHOW CAUSE
AND VACATING HEARING**

CHRISTIAN HANSON, et al.,

Defendants.

This order comes on the heels of a *separate* order to show cause filed last week pertaining to plaintiff's absence at a regularly scheduled and duly noticed case management conference on December 10, 2009. In last week's order, plaintiff and his counsel were ordered to appear on January 7, 2010, at 2:00 p.m., and file a declaration by noon on January 4, 2010, to show cause why this case should not be dismissed for lack of prosecution and/or why Attorney Wright should not be required to pay fees and/or sanctions for the unexplained absence. At that same hearing, defendant's motion to dismiss (or, in the alternative, for summary judgment) was to be argued.

Since plaintiff failed to file a timely opposition to defendant's motion (due December 17, 2009), the hearing *on the motion* is hereby **VACATED**. However, the hearing on the *prior* order to show cause will **REMAIN AS SCHEDULED** on January 7, 2010, at 2:00 p.m. The undersigned is inclined, in light of the failure by plaintiff to file an opposition brief, to treat defendant's motion to dismiss (or, in the alternative, for summary judgment) as unopposed, and rule on it accordingly.

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

Plaintiff is hereby ordered to show cause why his opposition brief was not timely filed, and why the undersigned should not treat defendant's motion as unopposed, by **NOON ON THURSDAY, DECEMBER 24, 2009**. Plaintiff may *not* file an untimely opposition brief unless leave to file such a brief is expressly granted by the Court. If plaintiff fails to respond to this order, the undersigned will rule on defendant's motion immediately.

IT IS SO ORDERED.

Dated: December 18, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE