

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

MICHELLE MELLEMS,  
Plaintiff,

No. C 09-3427 SI

**ORDER TO SHOW CAUSE**

v.

SECRETARY OF STATE DEBRA BOWEN, *et al.*,  
Defendants.

On July 27, 2009, plaintiff filed this *pro se* complaint against California Secretary of State Debra Bowen and the California "Safe at Home" Program. On October 1, 2009, defendant Bowen filed a motion to dismiss the complaint. The motion was originally scheduled for a hearing on November 4, 2009, but after this case was reassigned to this Court, the motion was scheduled for January 22, 2010. Plaintiff's opposition to the motion was due no later than January 4, 2010. Plaintiff has not filed an opposition, nor has plaintiff taken any action in this case since it was filed.

Accordingly, the Court orders plaintiff to file a declaration by **January 22, 2010** stating why this case should not be dismissed without prejudice for failure to prosecute. The January 22, 2010 hearing on defendant's motion to dismiss is VACATED. The Court will reschedule the hearing on the motion if necessary. Failure to comply with these deadlines will result in dismissal of plaintiff's complaint.

**IT IS SO ORDERED.**

Dated: January 13, 2010

  
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SUSAN ILLSTON  
United States District Judge