

UNITED STATES DISTRICT COURT
Northern District of California

JUDITH BLACKWELL,

Plaintiff(s),

No. C 09-04027 MEJ

v.

SECOND ORDER TO SHOW CAUSE

INDYMAC BANK FSB,

Defendant(s).

On September 4, 2009, the Defendant in the above-captioned matter filed a Motion to Dismiss, with a noticed hearing date of October 8, 2009. (Dkt. #4.) Pursuant to Civil Local Rule 7, Plaintiff's opposition or statement of non-opposition was due by September 17, 2009. However, Plaintiff failed to file an opposition. Accordingly, the Court vacated the October 8, 2009 motion to dismiss hearing and ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute and comply with court deadlines. (Dkt. #8.)


On October 8, 2009, Plaintiff's counsel filed a declaration in response. (Dkt. #9.) Based on counsel's declaration, the Court vacated the osc on October 13, 2009, and rescheduled the hearing on Defendant's motion to November 5, 2009. The Court ordered Plaintiff to file any opposition by October 15, 2009, and also ordered Plaintiff (for a second time) to consent or decline magistrate jurisdiction. (Dkt. #10.)

It is now October 20, 2009, and Plaintiff has failed to comply in all respects with the Court's October 13 Order. Accordingly, the Court hereby VACATES the November 5, 2009 motion to dismiss hearing and ORDERS Plaintiff to show cause why Defendant's motion should not be granted and why this case should not be dismissed for failure to prosecute and comply with court deadlines. Plaintiff shall file a declaration by October 29, 2009, and the Court shall conduct a

1 hearing on November 5, 2009 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue,
2 San Francisco, California.

3 **IT IS SO ORDERED.**

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5 Dated: October 20, 2009



6 Maria-Elena James
7 Chief United States Magistrate Judge
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