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

LARRY LITTLEJOHN,

No. C 09-5021 SI

Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**

v.

CITY & COUNTY OF SAN FRANCISCO, *et al.*,


Defendant.

Plaintiff filed this lawsuit on October 21, 2009. On November 10, 2009, defendant City and County of San Francisco filed a motion to dismiss the complaint. (Docket No. 3). The case was then reassigned to the undersigned judge, and on December 3, 2009 defendant re-noticed the motion to dismiss. (Docket No. 9). The motion is scheduled for a hearing on February 5, 2010. Plaintiffs' opposition to the motion was due no later than January 15, 2010. Plaintiff, who is represented by counsel, has not filed an opposition, has not responded to inquiries from the Court's clerk regarding the status of the motion to dismiss, and has not taken any action in this case since it was filed.

Accordingly, the Court orders plaintiff to file a declaration by **February 5, 2010** stating why this case should not be dismissed without prejudice for failure to prosecute. The February 5, 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 without prejudice.

IT IS SO ORDERED.

Dated: January 25, 2010



SUSAN ILLSTON
United States District Judge