

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

ANDZEJ PACZYNSKI,

Plaintiff,

No. C 09-05544 WHA

v.

CITY OF BERKELEY, and DOES 1-100,

Defendants.

ORDER DISMISSING ACTION

Defendant noticed a motion to dismiss in this action scheduled for hearing on July 29, 2010. Pursuant to Civil Local Rule 7-3, any brief in opposition to the motion was due on July 8, 2010, but no opposition was received. Plaintiff, who is proceeding *pro se*, was ordered to show cause by July 29, 2010, for his failure to respond to the motion in accordance with Civil Local Rule 7-3(a) or alternately to file statement of nonopposition to the motion as required by Civil Local Rule 7-3(b). The order warned that if plaintiff failed to respond to the order to show cause, "this matter shall likely be dismissed for failure to prosecute" (Dkt. No. 28). Yet again, the deadline has passed and plaintiff has not provided a response.

As described, plaintiff has repeatedly failed to respond in a timely manner. Due to his

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failure to prosecute, this action shall be **DISMISSED WITHOUT LEAVE TO AMEND**. Judgment shall be entered.

IT IS SO ORDERED.

Dated: August 3, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE