

1 UNITED STATES DISTRICT COURT
2 Northern District of California

3
4 CEDRIC BACCHUS,

No. C 10-00804 MEJ

5 Plaintiff,

SECOND ORDER TO SHOW CAUSE

6 v.

7 DARRELL SHAWN TUCKER, et al.,

8 Defendants.
_____ /

9 On October 14, 2010, the Defendants in the above-captioned matter filed a motion to
10 dismiss, with a noticed hearing date of November 18, 2010. (Dkt. #26.) Pursuant to Civil Local
11 Rule 7, Plaintiff's opposition was due by October 28, 2010; however, Plaintiff failed to file an
12 opposition. Accordingly, on November 1, 2010, the Court ordered Plaintiff Cedric Bacchus to show
13 cause why this case should not be dismissed for failure to prosecute and comply with court
14 deadlines. (Dkt. #27.) Having received Plaintiff's counsel's declaration in response, (Dkt. #29), the
15 Court discharged the order to show cause, scheduled a hearing on Defendants' motion on December
16 16, 2010, and ordered Plaintiff to file any opposition by November 18, 2010. (Dkt. #28.)

17 Plaintiff has again failed to file an opposition. Considering that Plaintiff is represented by
18 counsel, his repeated failure to file an opposition is troubling. Accordingly, the Court hereby
19 VACATES the December 16, 2010 hearing and ORDERS Plaintiff to show cause why this case
20 should not be dismissed for failure to prosecute and comply with court deadlines. Plaintiff shall file
21 a declaration by December 16, 2010. As a previous order to show cause has already been issued
22 and, in response, Plaintiff's counsel apologized "for not having the dates calendared" and stated that
23 he would "not allow any mistakes to continue," Plaintiff should be mindful that he must establish
24 good cause in his declaration to allow this case to go forward.

25 **IT IS SO ORDERED.**

26
27 Dated: December 1, 2010

28 

Maria-Elena James
Chief United States Magistrate Judge