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

DEDAN SUNNI ALI,

No. C 10-02360 SI

Plaintiff,

**ORDER DISMISSING CASE FOR  
FAILURE TO PROSECUTE AND  
DENYING MOTION TO DISMISS AS  
MOOT**

v.

US DEPARTMENT OF EDUCATION,

Defendant.

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13 Plaintiff has not responded to this Court's February 28, 2011 Order to Show Cause, which  
14 instructed the plaintiff to contact the Court to explain why his case should not be dismissed. Docket No.  
15 28. The Court cautioned plaintiff that failure to respond may result in dismissal for failure to prosecute.  
16 *Id.* The Court mailed a copy of the Order to Show Cause to the address the Court has on file for  
17 plaintiff, but that document was returned as undeliverable without a forwarding address. Plaintiff has  
18 not contacted the Court about his case since June 30, 2010. Plaintiff has not responded to the pending  
19 motion to dismiss.

20 Given these circumstances, the Court hereby **DISMISSES** the case **WITHOUT PREJUDICE**  
21 pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. Defendant's motion to  
22 dismiss is **DENIED** as moot. Judgment is entered accordingly. The Clerk shall close the file.

23  
24 **IT IS SO ORDERED.**

25 Dated: March 23, 2011



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SUSAN ILLSTON  
United States District Judge