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

ALEJANDRO CASTRO,
Plaintiff,

No. C-10-03509 EDL

ORDER TO SHOW CAUSE

v.

CHEVY CHASE BANK,
Defendant.

By court order filed on August 10, 2010, this case was set for an initial case management conference on November 16, 2010 at 10:00 a.m. The initial case management conference was continued twice pursuant to clerk's notices to December 21, 2010 at 10:00 a.m. Both clerk's notices continuing the initial case management conference were served on Plaintiff at his address of record. Plaintiff, who is representing himself, did not appear on December 21, 2010 for the case management conference. Nor did he file a case management conference statement as required by the August 10, 2010 court order and the two clerk's notices.

Defendant filed a case management conference statement and specially appeared at the December 21, 2010 initial case management conference. Defendant states that it has never been served with the summons and complaint in this matter, which was removed on August 10, 2010.

Accordingly, Plaintiff is ordered to show cause as to why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff's response to this Order to Show Cause shall be due no later than January 14, 2011. It is further ordered that if

1 Plaintiff fails to file a response to this Order to Show Cause by January 14, 2011, the Court will
2 recommend dismissal of the action without prejudice for failure to prosecute.

3 **IT IS SO ORDERED.**

4 Dated: December 21, 2010

Elizabeth D. Laporte

ELIZABETH D. LAPORTE
United States Magistrate Judge

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