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UNITED STATES DISTRICT COURT  
For the Northern District of California

UNITED STATES DISTRICT COURT  
Northern District of California

BERNARDO MENDIA,

No. C 10-03910 MEJ

Plaintiff,

v.

**SECOND ORDER TO SHOW CAUSE**


JOHN M. GARCIA, et al.,

Defendants.

On October 20, 2010, the Court ordered Plaintiff Bernardo Mendia to show cause why this case should not be dismissed for failure to prosecute and comply with court deadlines. (Dkt. #7.) Plaintiff responded that he intended to seek counsel and requested additional time to allow him to locate an attorney. (Dkt. #9.) Based on Plaintiff's response, the Court discharged the order to show cause and extended the deadline for Plaintiff to file his consent/declination to November 29, 2010. (Dkt. #10.) Plaintiff has again failed to respond. Accordingly, the Court VACATES the January 27, 2011 Case Management Conference and ORDERS Plaintiff to show cause why this case should not be dismissed for failure to prosecute and comply with court deadlines. Plaintiff shall file his declaration in response by December 16, 2010.

**IT IS SO ORDERED.**

Dated: December 1, 2010

  
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Maria-Elena James  
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

BERNARDO MENDIA,  
Plaintiff,

Case Number: 10-03910 MEJ

**CERTIFICATE OF SERVICE**

v.

JOHN M. GARCIA,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 22, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Bernardo Mendia  
P.O. Box 28032  
Oakland, CA 94604

Dated: October 22, 2010

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk