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

FRANK PATE, et al.,

Plaintiffs,

No. C 10-03968 JSW

v.

ORDER TO SHOW CAUSE

LAURA CHENG,

Defendant.

On December 13, 2011, Defendant filed a Motion to Dismiss Plaintiffs' First Amended Complaint, which is set for hearing on February 25, 2011, at 9:00 a.m. By Order dated December 14, 2010, the Court ordered that Plaintiffs' opposition to the motion was due by no later than January 3, 2011. Plaintiffs did not file a timely opposition to the motion to dismiss and the motion is unopposed.

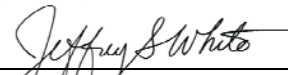
Therefore, the Court HEREBY ORDERS Plaintiffs to show cause in writing by February 25, 2011, why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

Plaintiffs' failure to file a timely written response to this show cause Order will result in dismissal of this action without prejudice.

The motion hearing set for February 25, 2011, is VACATED.

IT IS SO ORDERED.

Dated: February 11, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

PATE et al,

Plaintiff,

v.

CHENG et al,

Defendant.

Case Number: CV10-03968 JSW

CERTIFICATE OF SERVICE

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 February 11, 2011, 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.

Frank Pate
9607 Spring Dr.
Frisco, TX 75035

Leila Ranzi-Pate
9607 Spring Drive
Frisco, TX 75035

Dated: February 11, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk