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**United States District Court**  
For the Northern District of California

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

DAN BARTLETT,

Plaintiff,

No. C 10-04922 JSW

v.

**ORDER OF DISMISSAL  
WITHOUT PREJUDICE**

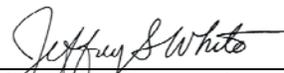
WHOLE FOODS MARKET,

Defendant.

On November 9, 2010, Defendant filed a motion to dismiss, which was noticed for hearing on December 17, 2010. Plaintiff failed to file a timely opposition to the motion. Accordingly, on December 16, 2010, the Court issued an Order to Show Cause directing Plaintiff to show cause, by December 13, 2010, as to why this case should not be dismissed for failure to prosecute. In that Order, the Court advised Plaintiff that failure to file a timely response to the Order to Show Cause would result in dismissal without prejudice without further notice. Plaintiff failed to file a timely response to the Order to Show Cause. Accordingly, the Court hereby dismisses this case without prejudice for failure to prosecute. The Clerk shall close this file.

**IT IS SO ORDERED.**

Dated: December 14, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE