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

MIKHAIL HENNING,

Plaintiff,

v.

CBE GROUP, INC.,

Defendant.

No. C 11-00621 JSW

**ORDER DISMISSING WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE**

On February 22, 2011, Defendant CBE Group, Inc. filed a Motion to Dismiss, which it noticed for hearing on May 6, 2011. On February 22, 2011, this Court issued an Order setting a briefing schedule on that motion. Pursuant to that Order, Plaintiff's opposition to the motion was to be filed and served by no later than Friday, March 18, 2011. Plaintiff did not file an opposition brief on that date.

Accordingly, on March 25, 2011, the Court ordered Plaintiff to show cause why this case should not be dismissed without prejudice for failure to prosecute. Plaintiff's response to the Order to Show Cause was due by no later than April 8, 2011. The Court also advised Plaintiff that if he failed to respond to this Order to show cause or failed to submit a request to file an untimely brief with a proposed opposition to Defendant's motion by that date, the Court would dismiss this case, without prejudice and without further notice to plaintiff.

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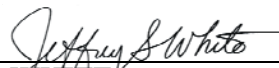
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Plaintiff has not responded to the Order to Show Cause and has not submitted a request to file an untimely brief in opposition to Defendant's motion. Accordingly, the Court HEREBY DISMISSES this case without prejudice. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: April 12, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HENNING et al,
Plaintiff,
v.
CBE GROUP, INC. et al,
Defendant.

Case Number: CV11-00621 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 April 12, 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.

Mikhail R. Henning
PO Box 1100
Newark, CA 94560

Dated: April 12, 2011

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