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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 CPT MICHAEL C. GONCALVES,

10 Plaintiff,

No. C 11-02452 JSW

11 v.

**ORDER TO SHOW CAUSE AND  
VACATING HEARING**

12 UNITED STATES OF AMERICA, Honorable  
13 Robert Gates, LTG Jack Stultz, CDR, USARC,  
and Attorney General Eric Holder,

14 Defendants.

15 /  
16 On October 11, 2011, Defendants filed a motion to dismiss Plaintiff's complaint, which  
17 is noticed for hearing on December 2, 2011. That hearing is VACATED pending further order  
18 of the Court.

19 Pursuant to Northern District Civil Local Rules 7-3(a) and 5-5(a)(2), Plaintiff's  
20 opposition brief was due to be filed on October 28, 2011. Plaintiff has not filed an opposition  
21 brief.

22 Accordingly, Plaintiff is HEREBY ORDERED TO SHOW CAUSE why this case  
23 should not be dismissed for failure to prosecute. If Plaintiff seeks to file an untimely opposition  
24 to Defendants' motion, he must file a request demonstrating good cause for the late filing and  
25 must file his proposed opposition brief with that request. Plaintiff's response to this Order to  
26 Show Cause, or his request to late file and proposed opposition brief, shall be filed and served  
27 on Defendants by no later than November 14, 2011.

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1           Upon consideration of Plaintiff's response, it shall notify the Defendants whether the  
2 late filing will be permitted, and shall set a deadline for Defendants to file the reply brief.

3           If Plaintiff fails to file a response to this Order to Show Cause by November 14, 2011,  
4 the Court shall dismiss this case without prejudice without further notice to Plaintiff. The Court  
5 advises Plaintiff that the Handbook for Pro Se Litigants, contains helpful information about  
6 proceeding without an attorney, is available through the Court's website or in the Clerk's office.  
7 The Court also advises Plaintiff that he also may wish to seek assistance from the Legal Help  
8 Center. Plaintiff may call the Legal Help Center at 415-782-9000, extension 8657, or sign up  
9 on the 15th Floor of the Courthouse, Room 2796, for a free appointment with an attorney who  
10 may be able to provide basic legal help, but not legal representation.

11           **IT IS SO ORDERED.**

12           Dated: November 2, 2011

  
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14           JEFFREY S. WHITE  
15           UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

GONCALVES et al,

Case Number: CV11-02452 JSW

Plaintiff,

## **CERTIFICATE OF SERVICE**

V.

UNITED STATES OF AMERICA et al,

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 November 2, 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.

Michael C. Goncalves  
8444 Alberton Place  
Elk Grove, CA 95624

Dated: November 2, 2011

Jennifer Ottolini

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