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

CPT MICHAEL C. GONCALVES,

Plaintiff,

No. C 11-02452 JSW

v.

**ORDER DISCHARGING ORDER
TO SHOW CAUSE AND SETTING
DEADLINE FOR DEENDANTS'
REPLY BRIEF**

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

Defendants.

On October 11, 2011, Defendants filed a motion to dismiss Plaintiff's complaint. Because Plaintiff did not file a timely opposition to the motion, on November 2, 2011, the Court issued an Order directing Plaintiff to show cause why this case should not be dismissed for failure to prosecute. On November 14, 2011, Plaintiff filed his response to the Order to Show Cause and filed a belated opposition brief.

Plaintiff asserts that his brief was late because he was trying to obtain information from Defendants about documents and declarations submitted with their opposition. In the future, if Plaintiff requires additional time to respond to a motion, he should first seek leave of Court. However, at this time, the Court shall discharge the Order to Show Cause without further action. The Court shall accept Plaintiff's opposition brief.

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Defendants shall file a reply brief by no later than December 5, 2011. Unless the Court determines a hearing is necessary, it shall decide the matters on the papers. The case management conference set for December 16, 2011 is VACATED pending further order of the Court.

IT IS SO ORDERED.

Dated: November 28, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 GONCALVES et al,
5 Plaintiff,

Case Number: CV11-02452 JSW

6 **CERTIFICATE OF SERVICE**

7 v.

8 UNITED STATES OF AMERICA et al,
9 Defendant.

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

12 That on November 28, 2011, I SERVED a true and correct copy(ies) of the attached, by placing
13 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 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.

15 Michael C. Goncalves
16 8444 Alberton Place
Elk Grove, CA 95624

17 Dated: November 28, 2011



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