

1
2
3
4
5
6
7
8

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.

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

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

14 Defendants.

15 /
16 On October 11, 2011, Defendants filed a motion to dismiss Plaintiff's complaint.
17 Because Plaintiff did not file a timely opposition to the motion, on November 2, 2011, the Court
18 issued an Order directing Plaintiff to show cause why this case should not be dismissed for
19 failure to prosecute. On November 14, 2011, Plaintiff filed his response to the Order to Show
20 Cause and filed a belated opposition brief.

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

26 //
27 //
28 //

United States District Court

For the Northern District of California

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

5 **IT IS SO ORDERED.**

6
7 Dated: November 28, 2011

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GONCALVES et al,

Plaintiff,

Case Number: CV11-02452 JSW

V.

UNITED STATES OF AMERICA et al,

Defendant.

CERTIFICATE OF SERVICE

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 28, 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 28, 2011

Jennifer Ottolini

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