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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 Jamie Fox,

No. CV 11-04820 EDL

9 Plaintiff,

ORDER TO SHOW CAUSE

10 v.

11 Eric K. Shinseki, Secretary of the Department of

12 Veterans Affairs, Agency,

13 Defendant.
_____/

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16 On September 29, 2011, pro se Plaintiff Jamie Fox, a Veterans Services Representative
17 (“VSR”) previously employed by the Veterans Benefits Administration (“VBA”), commenced this
18 action pursuant to Title VII of the Civil Rights Act of 1964 against Defendant Eric K. Shinseki,
19 Secretary of the Department of Veterans Affairs, Agency, based on “[r]etaliatio[n] for prior EEO
20 activity (participation)” in relation to the termination of her employment. Plaintiff filed a motion for
21 appointment of counsel, which the Court denied without prejudice by Order entered December 9,
22 2011. The Court also referred Plaintiff to the Pro Se Help Desk.

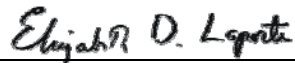
23 The Court entered a scheduling order on September 29, 2011, setting an initial case
24 management conference on January 10, 2012 at 10:00 a.m. and requiring the parties to file a case
25 management statement by January 3, 2012. Plaintiff did not file a case management statement.
26 Plaintiff also failed to appear on January 10, 2012 for the case management conference. The Court
27 also takes note that there is no indication that Plaintiff has served Defendant with the summons and
28 complaint. If Plaintiff fails to serve Defendant within 120 days of filing the complaint, i.e., January

1 27, 2012, the action must be dismissed without prejudice unless Plaintiff files a motion to extend
2 time for service upon a showing of good cause. Federal Rule of Civil Procedure 4(m).

3 Plaintiff is hereby ordered to show cause why this case should not be dismissed without
4 prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff's
5 written response to this Order to Show Cause shall be due no later than January 31, 2012. A show
6 cause hearing is scheduled for February 7, 2012 at 9:30 a.m. in Courtroom E, 15th floor, 450 Golden
7 Gate Avenue, San Francisco, CA. It is further ordered that if Plaintiff fails to file a response to this
8 Order to Show Cause by January 31, 2012, the Court will dismiss this action without prejudice for
9 failure to prosecute.

10 **IT IS SO ORDERED.**

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12 Dated: January 10, 2012

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ELIZABETH D. LAPORTE
15 United States Magistrate Judge
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