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

FRANK AND DEBORAH MCDOWELL,

No. C 12-03192 JSW

Plaintiffs,

**ORDER TO SHOW CAUSE WHY  
CASE SHOULD NOT BE  
DISMISSED FOR FAILURE TO  
PROSECUTE AND VACATING  
HEARING ON MOTION TO  
DISMISS**

v.

CITY AND COUNTY OF SAN FRANCISCO,

Defendants.

\_\_\_\_\_ /

On August 20, 2012, Defendants filed a motion to dismiss. Pursuant to Northern District Civil Local Rule 7-3(a), Plaintiffs' opposition was due by no later than September 6, 2012. Plaintiffs have not filed an opposition brief. Accordingly, Plaintiffs are HEREBY ORDERED TO SHOW CAUSE, in writing, by no later than October 1, 2012, why this case should not be dismissed for failure to prosecute. If Plaintiffs seek leave to file a belated opposition brief to Defendants' motion, then by October 1, 2012, they must file and serve a request showing good cause for a belated filing accompanied by a proposed opposition brief. If the Court grants Plaintiffs leave to file an opposition brief, it shall set a deadline by which Defendants may reply. The hearing scheduled for October 5, 2012 is VACATED pending further order of the Court.

If Plaintiffs fail to comply with this Order by October 1, 2012, the Court shall dismiss this case for failure to prosecute without further notice to Plaintiffs.

The Court AGAIN ADVISES Plaintiffs that the Handbook for Pro Se Litigants, which

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contains helpful information about proceeding without an attorney, is available through the Court's website or in the Clerk's office. The Court also advises Plaintiffs that they also may wish to seek assistance from the Legal Help Center. Plaintiffs may call the Legal Help Center at 415-782-9000, extension 8657, or sign up on the 15th Floor of the Courthouse, Room 2796, for a free appointment with an attorney who may be able to provide basic legal help, but not legal representation.

**IT IS SO ORDERED.**

Dated: September 17, 2012

  
\_\_\_\_\_  
JEFFREYS WHITE  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 FRANK AND DEBORAH MCDOWELL  
6 et al,

Case Number: CV12-03192 JSW

7 Plaintiff,

**CERTIFICATE OF SERVICE**

8 v.

9 CITY AND COUNTY OF SAN  
10 FRANCISCO et al,

11 Defendant.  
\_\_\_\_\_ /

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

14 That on September 17, 2012, I SERVED a true and correct copy(ies) of the attached, by placing  
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
17 delivery receptacle located in the Clerk's office.

18 Deborah McDowell  
19 Frank McDowell  
20 2800 Bellwort Court  
21 Antioch, CA 94531

Dated: September 17, 2012



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