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

FRANK AND DEBORAH MCDOWELL,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,

Defendants.

No. C 12-03192 JSW

**ORDER DISCHARGING ORDER  
TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED  
FOR FAILURE TO PROSECUTE  
AND SETTING DEADLINE FOR  
REPLY BRIEF ON MOTION TO  
DISMISS**

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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. On September 17, 2012, the Court issued an Order to Show Cause, directing Plaintiffs to show cause why the case should not be dismissed for lack of prosecution.

On September 25, 2012, Plaintiffs filed their response to the Order to Show Cause, in which they state they believed their opposition to the motion was due on October 5, 2012, the date the motion was scheduled to be heard. Plaintiffs have requested that they be permitted to file their opposition brief late and have submitted their proposed opposition.

The Court shall grant Plaintiffs' request for leave to file a belated opposition brief, and it DISCHARGES the Order to Show Cause without imposing sanctions. The Court AGAIN ADVISES Plaintiffs that the Handbook for Pro Se Litigants, which contains helpful information about proceeding without an attorney, is available through the Court's website or in the Clerk's office.

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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.

Defendant shall file a reply brief by October 12, 2012. The Court shall resolve the motion on the papers.

**IT IS SO ORDERED.**

Dated: October 1, 2012

  
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JEFFREYS WHITE  
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FRANK AND DEBORAH MCDOWELL  
et al,

Case Number: CV12-03192 JSW

Plaintiff,

**CERTIFICATE OF SERVICE**

v.

CITY AND COUNTY OF SAN  
FRANCISCO 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 October 1, 2012, 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.

Deborah McDowell  
Frank McDowell  
2800 Bellwort Court  
Antioch, CA 94531

Dated: October 1, 2012



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