

1
2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5

6 RODOLFO MARTINEZ,

No. C 12-4464 SI

7 Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**

8 v.

9 WELLS FARGO BANK, N.A., CAL-
WESTERN RECONVEYANCE CORP., and
DOES 1 through 20 Inclusive,

10 Defendants.
11 _____/

12 On August 31, 2012, defendants filed a motion to dismiss. Plaintiff's opposition to this motion
13 was due on September 14, 2012. On September 17, 2012, plaintiff, who is represented by counsel, filed
14 an *ex parte* application for a temporary restraining order, which the Court denied on September 28,
15 2012. In the interim, however, plaintiff did not file any opposition papers to the motion to dismiss, nor
16 did plaintiff request an extension of time or contact the Court in any way.

17 **Accordingly, plaintiff is ORDERED TO SHOW CAUSE in writing to be filed no later than**
18 **November 26, 2012, why this case should not be dismissed without prejudice for failure to**
19 **prosecute.** See Fed. R. Civ. Proc. 41(b). If plaintiff responds satisfactorily to this Order and wishes
20 to proceed with this lawsuit, the Court will set a new briefing schedule and hearing date on defendant's
21 motions to dismiss. The November 30, 2012, hearing date and case management conference is
22 VACATED.

23 **IT IS SO ORDERED.**

24
25 Dated: November 9, 2012



26
27 _____
SUSAN ILLSTON
United States District Judge

28