

1
2
3
45
6
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA7
8
9
10
11
12
13TODD DONALD WEISS,
Plaintiff,
v.
TIMOTHY FRANZ GEITHNER,
Defendant.

No. C 12-04493 SI

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**14
15
16
17
On November 28, 2012, the United States of America, claiming that it is the real party in interest
and acting on behalf of defendant Geithner, filed a motion to dismiss. The hearing was set for January
4, 2013, and plaintiff's opposition was due on December 12, 2012. Plaintiff did not file an opposition,
nor did plaintiff request an extension of time.18
19
20
21
22
23
Accordingly, plaintiff is ORDERED TO SHOW CAUSE in writing no later than January
4, 2013, why this case should not be dismissed without prejudice for failure to prosecute. See Fed.
R. Civ. Proc. 41(b). If plaintiff does not respond, this action will be dismissed without prejudice. If
plaintiff responds to this Order and wishes to proceed with this lawsuit, the Court will set a new briefing
schedule and hearing date on defendant's motion to dismiss. The January 4, 2012 hearing date is
VACATED.24
25
26
27
28
IT IS SO ORDERED.

Dated: December 20, 2012



SUSAN ILLSTON
United States District Judge