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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 TODD DONALD WEISS,

No. C 12-04493 SI

9 Plaintiff,

10 v.

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

11 TIMOTHY FRANZ GEITHNER,


12 Defendant.
13 _____/

14 On November 28, 2012, the United States of America, claiming that it is the real party in interest
15 and acting on behalf of defendant Geithner, filed a motion to dismiss. The hearing was set for January
16 4, 2013, and plaintiff's opposition was due on December 12, 2012. Plaintiff did not file an opposition,
17 nor did plaintiff request an extension of time.

18 **Accordingly, plaintiff is ORDERED TO SHOW CAUSE in writing no later than January**
19 **4, 2013, why this case should not be dismissed without prejudice for failure to prosecute.** *See* Fed.
20 R. Civ. Proc. 41(b). If plaintiff does not respond, this action will be dismissed without prejudice. If
21 plaintiff responds to this Order and wishes to proceed with this lawsuit, the Court will set a new briefing
22 schedule and hearing date on defendant's motion to dismiss. The January 4, 2012 hearing date is
23 VACATED.

24 **IT IS SO ORDERED.**

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26 Dated: December 20, 2012



SUSAN ILLSTON
United States District Judge