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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

THOMAS E. SMITH,

No. C 14-01741 LB

Plaintiff,

v.

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND REQUIRING A
FIRST AMENDED COMPLAINT TO
BE FILED AND SERVED BY APRIL
27, 2015**

BRAD HOFFMAN, et al.,

Defendants.

On March 9, 2015, this court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. The court did so because, although the action was filed on April 16, 2014, Plaintiff still had not served Defendants with the complaint and summons.

On March 10, 2015, Plaintiff's counsel responded to the order to show cause. He explained that he has been facing some personal difficulties of late and that his paralegal, who knows much about this action, has been dealing with a medical problem for the last few months. These things have prevented him from drafting, filing, and serving a first amended complaint. That said, he believes that he can do so by mid- to late-April 2015. He also says that he has been in contact with Defendants' counsel, who has no objection to the delay in service.

Based on Plaintiff's counsel's representations, the court discharges its order to show cause. Under the circumstances, the court will allow Plaintiff's counsel to file and serve a first amended complaint no later than April 27, 2015.

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IT IS SO ORDERED.

Dated: March 19, 2015



LAUREL BEELER
United States Magistrate Judge