

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 RICHARD FLEMMING,
5 Plaintiff,
6 v.
7 COUNTY OF ALAMEDA, et al.,
8 Defendants.

Case No. 14-cv-05542-TEH


**ORDER TO SHOW CAUSE FOR
PLAINTIFF'S FAILURE TO
RESPOND TO COUNTY'S MOTION
TO DISMISS**

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10 On December 19, 2014, this case was removed from the Alameda County Superior
11 Court. (Docket No. 1). On December 23, 2014, Defendants County of Alameda and
12 Sheriff Gregory Ahern filed a motion to dismiss Plaintiff's first amended complaint.
13 (Docket No. 8). The case was reassigned to Judge Thelton E. Henderson on December 24,
14 2014. (Docket No. 9). The motion to dismiss was re-noticed on December 30, 2014, with
15 Plaintiff's response due on January 6, 2015. (Docket No. 10). The Court has yet to
16 receive a response to the motion, a violation of Northern District of California Civil Local
17 Rule 7-3. Plaintiff's counsel has not provided an adequate explanation for this violation.

18 Accordingly, IT IS HEREBY ORDERED that Plaintiff's counsel shall appear to
19 show cause on **January 26, 2015, at 10:00 AM** in Courtroom 2, 17th Floor of the Phillip
20 Burton Federal Building, as to why this case should not be dismissed for failure to
21 prosecute and/or why monetary sanctions should not issue for counsel's failure to file an
22 opposition to the motion to dismiss. Plaintiff shall file a written response to this order on
23 or before **January 21, 2015**. Defendants do not need to attend the hearing or respond.

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25 **IT IS SO ORDERED.**

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27 Dated: 01/15/15

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THELTON E. HENDERSON
United States District Judge