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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANNY ATKINS,  
Plaintiff,  
v.  
BANK OF AMERICA , N.A.,  
Defendant.

Case No. [15-cv-00051-MEJ](#)

**ORDER TO SHOW CAUSE**

On July 9, 2015, the Court granted the Mellen Law Firm’s Motion to Withdraw as Counsel to Plaintiff Danny Atkins. Dkt. No. 21. However, because no substitution of counsel had been filed on Atkins’ behalf, the Court granted withdrawal on the condition that all papers from the Court and from Defendant shall continue to be served on the Mellen Law Firm for forwarding purposes until a substitution of counsel is filed as provided by Civil Local Rule 11-5(b). The Mellen Law Firm filed proof of service of the Order upon Atkins. Dkt No. 22. Since that time, Plaintiff has not appeared in this case.

On September 30, 2015, Defendant Bank of America, N.A. filed a Request for a Telephonic Conference. Dkt. No. 23. In their request, Defendant states Plaintiff has failed to respond to outstanding discovery, failed to meet in confer as required by the undersigned’s Discovery Standing Order, and failed to follow through on Defendant’s request for a stipulation to extend deadlines in this case to allow Plaintiff more time to obtain an attorney. Based on these failures, the Court hereby ORDERS Plaintiff Danny Atkins to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Plaintiff shall file a declaration by October 15, 2015. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on October 29, 2015 at 10:00 a.m. in

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Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Notice is hereby provided to Plaintiff that the Court may dismiss this case without a hearing if no responsive declaration is filed. Thus, it is imperative that the Court receive a written response by the deadline above.

Defendant’s request for a telephonic conference is stayed pending resolution of the order to show cause.

The Mellen Law Firm shall serve this Order upon Plaintiff.

**IT IS SO ORDERED.**

Dated: October 1, 2015

  
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MARIA-ELENA JAMES  
United States Magistrate Judge