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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

REGINA FRAIZER,
Plaintiff,

v.

WELLS FARGO BANK, NATIONAL
ASSOCIATION, et al.,
Defendants.

Case No. [3:15-cv-02559-JD](#)

**ORDER RE RECONSIDERATION OR
REOPENING**

Re: Dkt. No. 18

Pro se plaintiff Regina Fraizer asks the Court to set aside the dismissal of this case for excusable neglect under Federal Rule of Civil Procedure 60(b). The Court dismissed the case with prejudice on September 2, 2015, for failure to prosecute. Dkt. No. 14. Plaintiff filed and served the complaint but then failed to pursue her claims in any way or oppose defendant's motion to dismiss. *Id.* The Court extended plaintiff's time to respond to the motion by several weeks, and issued an order to show cause warning her that the case would be dismissed if she did not respond. Dkt. No. 12. The Court heard nothing from plaintiff and dismissal was entered.

About three weeks after the entry of dismissal, plaintiff filed a request to re-open the matter. Dkt. No. 18. Plaintiff acknowledges that she received the motion to dismiss on June 18, 2015, three days after it was filed, and says she filed an opposition on June 30, 2015. *Id.* But the ECF docket shows no filing or submission by plaintiff, and she did not proffer any other evidence of opposing the motion in the request to reconsider. Moreover, plaintiff does not explain why she did not respond to the order to show cause even though it is apparent she was receiving the filings in the case. And plaintiff has not offered any showing of good cause or excusable neglect for not responding to the motion or the order to show cause.

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Consequently, the Court declines to re-open the case or to reconsider the order of dismissal.

IT IS SO ORDERED.

Dated: February 10, 2016



JAMES DONATO
United States District Judge