

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN H. HARRIS,
Plaintiff,

v.

UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF
AMERICA,
Defendant.

Case No. [15-cv-02589-VC](#)

ORDER

Re: Dkt. No. 33

The Court is in receipt of the plaintiff's filing, titled "Reason for Missing Hearing," Dkt. No. 33. The Court construes the filing as a Fed. R. Civ. P. 60(b) motion for relief from this Court's September 24, 2015 order dismissing this case for failure to prosecute. The motion is denied.

In addition, the Court notes that the plaintiff, to the extent he is seeking ERISA benefits, appears to have named the wrong defendant. The dismissal of this lawsuit for failure to prosecute is without prejudice to filing a separate lawsuit naming the proper defendant. The plaintiff is encouraged to contact the JDC Legal Help Center for pro se litigants at 415-782-8982, or to visit the Help Center's website at <http://www.cand.uscourts.gov/helpcentersf> for further information.

IT IS SO ORDERED.

Dated: September 30, 2015



VINCE CHHABRIA
United States District Judge

UNITED STATES DISTRICT COURT
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Plaintiff,

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UNITED BROTHERHOOD OF
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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 30, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John H. Harris
550 24th Street
#919
Oakland, CA 94612

Dated: September 30, 2015

Susan Y. Soong
Clerk, United States District Court

By: 
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA