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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY E. FLEMING,

Plaintiff,

v.

CIGNA HEALTH CORPORATION, et al.,

Defendants.

Case No. 15-cv-04646-EMC

**ORDER TO SHOW CAUSE**

Plaintiff Jeffrey E. Fleming filed the instant suit against Defendants Cigna Health Corporation, Cigna Health and Life Insurance Company, Cigna Healthcare of California, Inc., Starwood Hotels & Resorts Management Company, Inc., and Starwood Hotels & Resorts Worldwide, Inc. Mr. Fleming asserts violations of his federal and constitutional rights based on Defendants' alleged failure to give Mr. Fleming copies of his medical records after discovery that Mr. Fleming is a Jehovah's Witness. Docket No. 29 (First Amended Complaint) (FAC) at ¶ 6. This Court previously adopted Judge Westmore's report and recommendation, and dismissed Mr. Fleming's complaint for failure to give adequate notice of his claim. Docket No. 27. Mr. Fleming subsequently filed an amended complaint, and Defendants filed a motion to dismiss. Docket No. 30. Mr. Fleming's opposition to the motion to dismiss was due on May 4, 2016. No opposition was filed on that day.

Accordingly, the Court hereby **VACATES** the May 26, 2016 hearing on Defendants' motion to dismiss. Mr. Fleming is hereby ordered to show cause as to why his complaint should not be dismissed, with prejudice, for failure to oppose and/or failure to prosecute. Mr. Fleming shall also address, in his response to this order to show cause, the substantive arguments raised by Defendants in their respective motions.

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**Mr. Fleming's response shall be filed by May 26, 2016.** Mr. Fleming is forewarned that a failure to timely file a response to this order to show cause shall result in a dismissal of this case with prejudice.

**IT IS SO ORDERED.**

Dated: May 12, 2016



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EDWARD M. CHEN  
United States District Judge