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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL EARL CROWELL,  
Plaintiff,  
v.  
U.S. BANKCORP, INC.,  
Defendant.

Case No. 15-cv-05776-WHO

**ORDER DISMISSING CASE WITHOUT  
PREJUDICE**

On December 23, 2015, defendant filed a motion to dismiss plaintiff’s complaint. Dkt. No. 10. When plaintiff failed to file an opposition or other response to the motion, I issued an Order to Show Cause directing plaintiff to show cause why this case should not be dismissed for failure to prosecute. Dkt. No. 12. Then, when it appeared that plaintiff may not have received notice of defendant’s motion to dismiss or of the Order to Show Cause, I dissolved the Order to Show Cause, directed that the relevant filings and orders from this case be served on plaintiff by standard U.S. Mail, and gave plaintiff until February 24, 2016 to respond to defendant’s motion to dismiss. Dkt. No. 13.

Plaintiff filed nothing in response. On March 1, 2016, I issued a Second Order to Show Cause, this time giving plaintiff until March 9, 2016 to show cause why the case should not be dismissed for failure to prosecute. Dkt. No. 15. As of today’s date, plaintiff has not responded to that Order.

In light of the above, this case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (discussing factors relevant to whether to dismiss a case for failure to prosecute or to comply with a court order); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (“Although it is preferred, it is not required that the district court make explicit findings in order to show that it has considered these

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factors.”). Defendant’s motion to dismiss, Dkt. No. 10, is DENIED AS MOOT. The case management conference set for March 22, 2016 is VACATED.

**IT IS SO ORDERED.**

Dated: March 18, 2016

  
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WILLIAM H. ORRICK  
United States District Judge