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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT MCCARTHY,

Plaintiff,

No. C 16-00759 WHA

v.

EMERALD INVESTMENTS INC.,
and DOES 1 through 10, inclusive,

Defendants.

ORDER DISMISSING CASE

This case was called at 11:00 a.m. on July 21, 2016, for a regularly scheduled case management conference, properly noticed, and no one appeared. The Court sent out an order to show cause why the case should not be dismissed for lack of prosecution and for failure to timely serve the summons and complaint.


Plaintiff was ordered to show cause at 11:00 a.m. today why the case should not be dismissed for lack of prosecution and for failure to timely serve the summons and complaint. Plaintiff was also ordered to show under oath by way of declaration by noon on August 2 any facts on which the showing would be made. The order to show cause specifically stated that “if plaintiff fails to file a written response and appear at the hearing, this case will be dismissed.”

Today (August 4) at 11:00 a.m., the order to show cause in this case was called and no one appeared (yet again). It was then put over to the end of the calendar to give counsel further opportunity to appear. At the end of the calendar (11:08 a.m.), this case was called once again.

1 Again, no one was present. In addition, no declaration or other statement of any type was filed
2 to explain the lack of prosecution and failure to serve. Accordingly, pursuant to the order to
3 show cause dated July 21, 2016, this civil action is **DISMISSED** for lack of prosecution as well as
4 for failure to timely serve defendants with summons and complaint. The Clerk shall **CLOSE** the
5 file.

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7 **IT IS SO ORDERED.**

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9 Dated: August 4, 2016.

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12 WILLIAM ALSUP
13 UNITED STATES DISTRICT JUDGE
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