

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROBERT MCCARTHY,  
Plaintiff,  
v.  
LITTIE B. NASH, et al.,  
Defendants.

Case No. 16-cv-02312-HSG  
**ORDER TO SHOW CAUSE**  
Re: Dkt. No. 10

United States District Court  
Northern District of California

On April 27, 2016, Plaintiff Robert McCarthy filed this action against Defendants Trustee Littie B. Nash, Cappo Management XXVIII, and Joe Shaghasi, asserting violation of (1) the Americans with Disabilities Act (“ADA”) and (2) California accessibility laws. Dkt. No. 1. On April 28, 2016, the Court entered the standard scheduling order for cases asserting denial of right of access under the ADA. Dkt. No. 4.

Under the scheduling order, the last day for Plaintiff to file a “Notice of Need for Mediation” was September 21, 2016. Id. Plaintiff failed to file any notice, and on October 18, 2016, the Court ordered Plaintiff to show cause why he did not file a “Notice of Need for Mediation” by the Court’s deadline. Dkt. No. 10. The order to show cause directed Plaintiff to file a short statement of no more than two pages explaining the status of this action by October 21, 2016. Id. Plaintiff’s deadline to file a status report has passed, and Plaintiff has again failed to comply with the Court’s deadline.


//  
//  
//  
//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, Plaintiff is ORDERED to show cause why the Court should not dismiss this action for failure to prosecute. Plaintiff shall respond to this Order in a written statement of no more than two pages by November 4, 2016. If Plaintiff fails to respond to this Order, the Court will dismiss the action with prejudice under Federal Rule of Civil Procedure 41.

**IT IS SO ORDERED.**

Dated: 10/25/2016

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge