

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN A. FINN,
Plaintiff,

v.

KELLEEN F. SULLIVAN, et al.,
Defendants.

Case No. [16-cv-05285-WHO](#)

ORDER TO SHOW CAUSE

Re: Dkt. No. 59

On January 13, 2017, I dismissed plaintiff’s claims with prejudice (Dkt. No. 55) and a clerk’s judgment was entered (Dkt. No. 57). On January 19, 2017, plaintiff moved under Local Rule 7-9 for leave to file a motion to alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e). Dkt. No. 59. Plaintiff may re-file this motion for leave re-styled as a Rule 59(e) motion (but not otherwise substantively altered) so that plaintiff can preserve his appellate rights under Federal Rule of Appellate Procedure 4(a)(4)(iv).

Defendants are ORDERED TO SHOW CAUSE why the second paragraph of the January 13, 2017 Order (Dkt. No. 55) should not be stricken as plaintiff requests. Defendants shall jointly file a single response to this order by **February 15, 2017**. Plaintiff shall file his response by **February 24, 2017**. When filing their briefs on ECF, the parties should link to the docket number for this Order to Show Cause. The motion is set for hearing on **March 8, 2017**, at 2 p.m.

IT IS SO ORDERED.

Dated: January 27, 2017


WILLIAM H. ORRICK
United States District Judge