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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GILBERTO ORDONEZ-BERNAL,  
Plaintiff,  
v.  
JEFFERSON B. SESSIONS III, et al.,  
Defendants.

Case No. 17-cv-01324-SK  
**ORDER OF DISMISSAL**  
Regarding Docket No. 13

On August 21, 2017, the Court issued an Order to Show Cause (“OSC”) to Plaintiff Gilberto Ordonez-Bernal based on his failure to appear at a case management conference (“CMC”) on the same date. The Court noted that the case was filed on March 13, 2017, but Plaintiff had not served Defendants, despite a prior extension permitting Plaintiff extra time to do so. Plaintiff neither requested nor received leave of Court to be excused from appearing at the August 21, 2017 case management conference. Instead, before the CMC on August 21, 2017, Plaintiff’s counsel had filed a statement that he was too busy to serve the complaint until after August 18, 2017. Pursuant to the OSC of August 21, 2017, the Court gave Plaintiff a deadline to file proof of service of this suit by August 28, 2017 and a deadline to file a response to the OSC by August 29, 2017.

The deadlines have since passed, and Plaintiff has filed neither proof of service nor a response to the OSC. Therefore, the Court HEREBY DISMISSES this action without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). A separate judgment shall issue. The Clerk shall close the file.

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**IT IS SO ORDERED.**

Dated: August 31, 2017



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SALLIE KIM  
United States Magistrate Judge