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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 BRIAN THOMPSON,

8 Plaintiff,

9 v.

10 MEGAN J. BRENNAN, et al.,

11 Defendants.

Case No. 17-cv-03798-EMC

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED AND  
VACATING NOVEMBER 30, 2017  
HEARING ON DEFENDANT'S  
MOTION TO DISMISS**

Docket No. 11

12  
13 Plaintiff has not filed a timely opposition to Defendant's motion to dismiss or sought an  
14 extension from the Court. See Docket No. 11. On November 9, 2017, the Court attempted to  
15 contact Plaintiff's counsel to determine whether an opposition would be filed. Plaintiff's counsel  
16 responded to the Court on November 13, 2017 stating she intended to file an opposition and  
17 inquired about the appropriate process. The Court directed Plaintiff's counsel to contact  
18 Defendant to attempt to reach a stipulation. The Court informed Plaintiff's counsel that if no  
19 stipulation were reached, an appropriate motion for relief would need to be filed in accordance  
20 with the Local Rules. As of this date, no stipulation or request for relief has been filed.  
21 Accordingly, the Court hereby **VACATES** the November 30, 2017 hearing on Defendant's  
22 motion to dismiss. See Docket No. 11.

23 Plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed  
24 without prejudice for failure to oppose Defendant's motion to dismiss. *Farraj v. Cunningham*,  
25 659 Fed.Appx. 925 (9th Cir. 2016) (affirming dismissal based on plaintiff's failure to oppose  
26 motion to dismiss); *Frantz v. U.S. Bank Nat. Ass'n.*, 549 Fed.Appx. 663 (9th Cir. 2013) (affirming  
27 dismissal based on plaintiff's failure to oppose motion to dismiss or timely seek an extension). In  
28 the response, Plaintiff shall also address the merits of Defendant's motion to dismiss. Plaintiff's

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response must be filed no later than **December 1, 2017**. Defendant's reply to Plaintiff's response, if any, must be filed by **December 8, 2017**. A hearing, if any, will be set by further order of the Court.

**IT IS SO ORDERED.**

Dated: November 17, 2017

  
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EDWARD M. CHEN  
United States District Judge