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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,
Plaintiff,

v.

SALVATORE GIOVANNOTTO, et al.,
Defendants.

Case No. [21-cv-03142-TSH](#)

ORDER TO SHOW CAUSE

On August 31, 2022, Defendants filed a motion to dismiss, with a noticed hearing date of October 6, 2022. ECF No. 41. As Plaintiff failed to file an opposition pursuant to Civil Local Rule 7, the Court hereby **VACATES** the motion hearing and **ORDERS** Plaintiff to show cause why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court deadlines. Plaintiff shall file a declaration by September 21, 2022. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on October 6, 2022 at 10:00 a.m. by Zoom video conference. The webinar link and instructions are located at <https://cand.uscourts.gov/judges/hixson-thomas-s-tsh/>. If Plaintiff intends to prosecute this matter, he must file any opposition to Defendants' motion by September 21, 2022. If Plaintiff files an opposition, Defendants shall file any reply by September 29, 2022.

Notice is hereby provided that failure to file a written response will be deemed an admission that Plaintiff does not intend to prosecute, and the case will likely be dismissed without prejudice. Thus, it is imperative the Court receive a written response by the deadline above.

IT IS SO ORDERED.

Dated: September 15, 2022


THOMAS S. HIXSON
United States Magistrate Judge