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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRED C. CARR, JR.

Plaintiff,

No. C 10-0715 PJH

v.

ORDER TO SHOW CAUSE

ALLIED WASTE SYSTEMS OF
ALAMEDA COUNTY, et al.,

Defendants.

_____ /

On November 23, 2010, the court issued a written order granting in part and denying in part defendants’ motions to dismiss the first amended complaint in the above-entitled action. The court directed plaintiff Fred C. Carr, Jr., to file a second amended complaint¹ no later than December 29, 2010, and further stated that “plaintiff may add no new defendants or new claims (apart from the hybrid § 301/duty of fair representation claim) without obtaining leave of court.”

On December 22, 2010, plaintiff submitted a proposed second amended complaint, along with a document entitled “Notice to Add as Defendants: Dan Lydon, Scott Gore, and Dominic Chiovare,” and a document entitled “Opposition to Court Order to Dismiss in Part and Denying Them in Part.”

On December 28, 2010, the court issued an order stating that the proposed amended complaint would not be accepted for filing because plaintiff had added two new defendants without leave of court, and added allegations against a third defendant whom the court had dismissed in the November 23, 2010 order. The court interpreted the

¹ The order inadvertently referred to it as a “third amended complaint.”

United States District Court
For the Northern District of California

1 "Opposition to Court Order to Dismiss in Part and Denying Them in Part as a motion for
2 reconsideration of the November 23, 2010 order, which it denied for failure to comply with
3 Civil Local Rule 7-9. The court directed plaintiff to file an amended complaint, no later than
4 January 12, 2011, in conformance with the instructions in the November 23, 2010 order, no
5 later than January 12, 2011.

6 To date, plaintiff has not filed the amended complaint. Accordingly, plaintiff is hereby
7 ORDERED that, no later than February 17, 2011, he shall either file an amended complaint
8 that conforms with the November 23, 2010 order, or show cause in writing why the above-
9 entitled action should not be dismissed for failure to prosecute and failure to comply with
10 the orders of the court.

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IT IS SO ORDERED.

Dated: February 7, 2011



PHYLLIS J. HAMILTON
United States District Judge