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5 **UNITED STATES DISTRICT COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**
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8 **KRISTA SAMPSON,**

9 **Plaintiff,**

10 **vs.**

11 **LISA LAURETTA, et al.,**

12 **Defendants.**

Case No.: C-4:12-3400 KAW

ORDER DISMISSING CASE

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15 Plaintiff Krista Sampson is proceeding in this case without an attorney. On January 3, 2012,
16 after Plaintiff failed to file an opposition to Defendants' motion to dismiss, the Court ordered Plaintiff
17 to show cause why the case should not be dismissed for failure to prosecute, and to file her
18 opposition. The Court warned Plaintiff that if she did not comply with the order, her case would be
19 dismissed for failure to prosecute.

20 Plaintiff did not comply with the order. Instead, Plaintiff filed a case management statement.
21 She stated, without further explanation, that she was ill. As of the date of this order, Plaintiff has not
22 filed her opposition to the motion to dismiss.

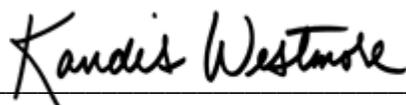
23 The order to show cause discussed above was the third time this Court had ordered Plaintiff to
24 show cause regarding her failure to prosecute this case. Plaintiff has twice failed to timely oppose a
25 motion to dismiss. Plaintiff did not attend the hearing on the first motion to dismiss. *See* Standing
26 Order for Magistrate Judge Kandis A. Westmore at 5 ("The failure of the opposing party to file a
27 memorandum of points and authorities in opposition to any motion shall constitute consent to the
28 granting of the motion.").

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Because Plaintiff has not filed an opposition to Defendant's motion to dismiss, and in light of Plaintiff's multiple past failures to timely prosecute her case, the case is dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b). Judgment shall be entered in favor of Defendants in this case.

IT IS SO ORDERED.

DATE: January 8, 2013



KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE