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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN GARCIA,

Plaintiff,

vs.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No.: 12-cv-04062-YGR

**UPDATED ORDER TO SHOW CAUSE WHY
THIS ACTION SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE**

United States District Court
Northern District of California

12 The Court issued an Order to Show Cause Why This Action Should Not Be Dismissed for
13 Failure to Prosecute on December 12, 2012. (Dkt. No. 13.) Pursuant to that Order to Show Cause,
14 Plaintiff's counsel, Richard Alan Hofman, was required to file a written response by January 4, 2013.
15 No response has been filed. It is unclear to the Court whether Mr. Hofman received the previous
16 Order to Show Cause, given that he has not provided an email address in ECF.

17 The Court hereby re-issues the Order to Show Cause to Mr. Hofman. Based on Plaintiff's
18 failure to file an opposition to the pending motion to dismiss (*see* Dkt. No. 13, attached as Ex. A),
19 Plaintiff's counsel is hereby **ORDERED TO SHOW CAUSE** why this action should not be dismissed for
20 failure to prosecute. A hearing on this Order to Show Cause shall be held on Friday, January 25,
21 2013, on the Court's 9:01 a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland,
22 California, in courtroom 5. Plaintiff's counsel must file a written response to this Order to Show
23 Cause no later than January 18, 2013 explaining why Plaintiff has failed to oppose the motion to
24 dismiss or to otherwise prosecute this action. Plaintiff's counsel shall be required to appear
25 personally at the hearing. If the Court is satisfied with Plaintiff's counsel's response, it will consider
26 taking the Order to Show Cause hearing off calendar.

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Plaintiff's counsel is further instructed to provide a current email address with the Court on ECF. The Order to Show Cause hearing scheduled for January 11, 2013 is continued until January 25.

IT IS SO ORDERED.

Dated: January 7, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE