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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

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6 MARTIN GARCIA,

7 Plaintiff,

8 vs.

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

10 Defendants.  
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Case No.: 12-cv-04062-YGR

**ORDER VACATING CASE MANAGEMENT  
CONFERENCE AND ORDER TO SHOW CAUSE  
WHY THIS ACTION SHOULD NOT BE  
DISMISSED FOR FAILURE TO PROSECUTE**

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13 Defendants filed a Motion to Dismiss Plaintiff's Complaint on August 8, 2012. (Dkt. No. 4.)  
14 Plaintiff's opposition was due on August 22, 2012, but none was filed. Civ. L.R. 7-3(a). The case  
15 was subsequently reassigned to this Court on August 28, 2012. (Dkt. No. 11.) In the reassignment  
16 order, the Court stated that all briefing schedules remained unchanged and all hearing dates were  
17 vacated.

18 Plaintiff's counsel, Richard Alan Hofman, is hereby **ORDERED TO SHOW CAUSE** why this  
19 action should not be dismissed for failure to prosecute based on the failure to file an opposition. A  
20 hearing on this Order to Show Cause shall be held on Friday, January 11, 2013, on the Court's 9:01  
21 a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland, California, in courtroom 5.  
22 Plaintiff's counsel must file a written response to this Order to Show Cause no later than January 4,  
23 2013 explaining why Plaintiff has failed to oppose the motion to dismiss or to otherwise prosecute  
24 this action. Plaintiff's counsel shall be required to appear personally at the hearing. If the Court is  
25 satisfied with Plaintiff's counsel's response, it will consider taking the Order to Show Cause hearing  
26 off calendar.

27 The Case Management Conference scheduled for December 17, 2012 is hereby **VACATED**.

28 **IT IS SO ORDERED.**

United States District Court  
Northern District of California

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2 Dated: December 12, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

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United States District Court  
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