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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNN GAVIN,

Plaintiff,

v.

JOHN ARNTZ, et al.

Defendants.

No. C 13-0056 PJH

ORDER TO SHOW CAUSE

Plaintiff filed the complaint in this matter on January 4, 2013, and filed an application for leave to proceed in forma pauperis ("IFP") and an application for a temporary restraining order ("TRO") on the same day. The court held a hearing on plaintiff's TRO application on January 8, 2013, which was denied, based on the lack of factual allegations supporting plaintiff's claims. The court did, however, grant plaintiff's IFP request.

The court then scheduled a case management conference, which was continued at plaintiff's request to May 30, 2013. Plaintiff did not file a case management statement, and did not appear at the case management conference.


However, counsel for defendant Parkmerced Investors Properties LLC ("Parkmerced") did appear at the case management conference, and informed the court that plaintiff's complaint in this case may be duplicative of a previous case filed by plaintiff in this court. See Gavin v. Parkmerced, No. C 12-5864 RS (filed Nov. 15, 2012; and dismissed Apr. 29, 2013).

Accordingly, plaintiff is ordered to show cause why the case should not be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41, and to show that this case involves issues that were not already litigated in the previous Gavin v. Parkmerced case. Plaintiff

1 must file a response to this order by **June 17, 2013**. Any defendant may file a response to
2 plaintiff's response to the OSC no later than **June 24, 2013**. A hearing on the order to
3 show cause will be held on **June 27, 2013** at 2:00 pm. Plaintiff must appear at the hearing.

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5 **IT IS SO ORDERED.**

6 Dated: May 31, 2013

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9 PHYLLIS J. HAMILTON
10 United States District Judge
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