

United States District Court
Northern District of California

RUBEN SUMERA,

Plaintiff,

v.

ERIC HOLDER, et al.,

Defendants.

Case No.: CV 13-01950-KAW

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE

The initial case management conference in this case was scheduled to take place on July 30, 2013. That initial case management conference was continued to August 6, 2013.

On July 30, 2013, Plaintiff requested an extension of time to serve the defendants in this case. (Dkt. No. 8). In the request, Plaintiff indicated that the summons and complaint were out for service. (*Id.*) Plaintiff also requested that the court continue the initial case management conference set for August 6, 2013. (*Id.*)

On August 1, 2013, the court granted Plaintiff's request. (Dkt. No. 9). The court continued the initial case management conference to October 8, 2013 and set October 1, 2013 as the deadline for the parties' joint case management conference statement. (*Id.*) The court also extended the deadline for service on the defendants to August 31, 2013. (*Id.*) As of the date of this order, Plaintiff has not filed proof of service of the complaint and summons or filed the required case management statement. Nor has Plaintiff contacted the court to explain what is going on in the case, to request more time, or to otherwise prosecute the case.

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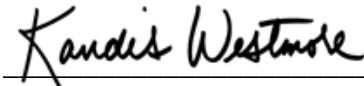
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The court hereby orders Plaintiff to show cause why this case should not be dismissed for failure to prosecute. Plaintiff shall file a written response to this order to show cause by Friday, October 18, 2013 at 5:00 p.m. The initial case management conference currently set for October 8, 2013 is hereby vacated.

IT IS SO ORDERED.
Dated: October 4, 2013


KANDIS A. WESTMORE
United States Magistrate Judge