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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUSSEL I. KASSMAN,
Plaintiff,
v.
JP MORGAN CHASE BANK,
Defendant.

Case No. 15-cv-05873-DMR

**ORDER REQUESTING RESPONSE
FROM DEFENDANT**

Re: Dkt. No. 23

On April 15, 2016, Defendant JP Morgan Chase Bank filed a Motion to Dismiss Plaintiff's First Amended Complaint. [Docket No. 23.] Plaintiff Russel Kassman failed to file an opposition or statement of nonopposition. The court issued an Order to Show Cause for Plaintiff's failure to do so. [Docket No. 32.] Plaintiff's counsel responded that he had not followed the Northern District of California Civil Local Rules to calculate the response deadline, and that he intended to file a Second Amended Complaint by May 18, 2016. [Docket No. 33.]

On May 18, 2016, Plaintiff filed a Second Amended Complaint. [Docket No. 35.] Plaintiff never filed an opposition to Defendant's motion to dismiss, and Defendant never filed a reply brief.

On this record, it is unclear whether Defendant intends to withdraw its Motion to Dismiss the First Amended Complaint [Docket No. 23] in light of the Plaintiff's filing of the Second Amended Complaint, or whether it intends to proceed on the motion. Defendant shall file a letter stating its intention **by 1:00 p.m. on June 3, 2016.**

IT IS SO ORDERED.

Dated: June 1, 2016



Donna M. Ryu
United States Magistrate Judge