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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HAKAM MISSON,  
Plaintiff,  
v.  
CAL-X TRANS, INC.,  
Defendant.

Case No. 16-cv-01408-KAW

**ORDER TO SHOW CAUSE;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Re: Dkt. No. 24

On March 22, 2016, Plaintiff Hakam Misson brought the instant case against Defendant Cal-X Trans, Inc., alleging breach of contract. (Dkt. No. 1.) After Defendant failed to appear, Plaintiff sought entry of default. (Dkt. No. 12.) On June 10, 2016, the Clerk of the Court entered default as to Defendant. (Dkt. No. 13.)

On June 14, 2017, the Court ordered Plaintiff to file a status report by June 23, 2017, explaining whether Plaintiff intended to prosecute the case. (Dkt. No. 18.) On June 25, 2017, Plaintiff filed an untimely response, stating that Plaintiff did intend to pursue his claims. (Dkt. No. 19.)

On August 23, 2017, the Court ordered Plaintiff to file a case management conference statement, which had been due on August 22, 2017. (Dkt. No. 20.) On August 24, 2017, Plaintiff filed his case management conference statement, requesting that the Court postpone the case management conference for 60 days so that Plaintiff could obtain a default judgment and file an amended complaint. (Dkt. No. 21 at 4.) On August 29, 2017, the Court held the case management conference, setting a September 19, 2017 deadline for Plaintiff to file an amended complaint. (Dkt. No. 22.)

Plaintiff did not file an amended complaint, nor did Plaintiff file a motion for default

United States District Court  
Northern District of California

1 judgment. Instead, on October 27, 2017, Plaintiff's counsel filed a declaration "re Request for  
2 Entry of Default as to Cal-X Trans, Inc. Only." (Dkt. No. 24.) Plaintiff stated that he did not  
3 intend to amend a complaint and appeared to request that default be entered as to Defendant Cal-X  
4 Trans, Inc., despite default having already been entered on June 10, 2016. (Id. ¶ 3.) Plaintiff also  
5 requested that the Court vacate the November 28, 2017 case management conference. (Id. ¶ 4.)

6 Accordingly, the Court CONTINUES the November 28, 2017 case management  
7 conference to **February 13, 2018 at 1:30 p.m.** The case management conference statement is due  
8 by February 6, 2018. The Court also ORDERS Plaintiff to show cause, by **November 17, 2017**,  
9 why the case should not be dismissed for failure to prosecute. Default was entered on June 10,  
10 2016, yet Plaintiff has not moved for default judgment in the nearly seventeen months since,  
11 despite having stated in his August 24, 2017 case management conference statement that he  
12 intended to do so. If Plaintiff intends to prosecute this case, Plaintiff must state when he will be  
13 moving for default judgment.

14 IT IS SO ORDERED.

15 Dated: November 7, 2017

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18 KANDIS A. WESTMORE  
19 United States Magistrate Judge  
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