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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

**SECOND ORDER TO SHOW CAUSE**

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


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 On November 7, 2017, the Court issued an order to show cause, ordering Plaintiff to, by  
7 November 17, 2017, show cause why the case should not be dismissed for failure to prosecute.  
8 (Dkt. No. 25.) The Court noted that "[d]efault was entered on June 10, 2016, yet Plaintiff has not  
9 moved for default judgment in the nearly seventeen months since . . . ." (Id.)

10 As of the date of this order, Plaintiff has failed to file a response to the order to show  
11 cause. Accordingly, the Court ORDERS Plaintiff to show cause, by **December 7, 2017**: (1) why  
12 Plaintiff failed to comply with the November 7, 2017 order to show cause, and (2) why the case  
13 should not be dismissed for failure to prosecute. Again, if Plaintiff intends to prosecute this case,  
14 Plaintiff must state when he will be moving for default judgment. Failure to comply with this  
15 order to show cause will result in the Court recommending that the case be dismissed for failure to  
16 prosecute.

17 IT IS SO ORDERED.

18 Dated: November 22, 2017

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20 KANDIS A. WESTMORE  
21 United States Magistrate Judge  
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