

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA SHAVERS,
Plaintiff,
v.
MICHAEL MURPHY,
Defendant.

Case No. [16-cv-05421-DMR](#)

**ORDER RE PLAINTIFF’S LATE-FILED
RESPONSE TO THE ORDER TO SHOW
CAUSE AND OPPOSITION TO
DEFENDANT’S MOTION TO DISMISS**

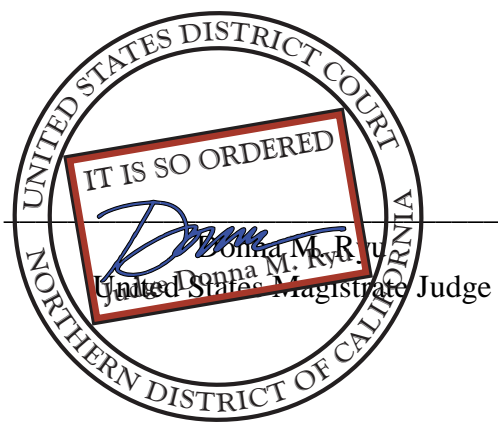
Re: Dkt. Nos. 58, 59

On February 22, 2018, the court issued an order to show cause (“OSC”), instructing Plaintiff Cynthia Shavers to submit a written statement by no later than March 1, 2018 explaining her failure to respond to Defendant Michael Murphy’s (“Murphy”) Motion to Dismiss the Fifth Amended Complaint. [Docket No. 55]. The court warned Ms. Shavers that if she failed to respond by March 1, 2018, her case could be dismissed for failure to prosecute. [Id.] Ms. Shavers did not respond to the OSC. Accordingly, the court dismissed this case without prejudice for failure to prosecute on March 14, 2018. [Docket No. 57]. On March 21, 2018, Ms. Shavers filed a response to the OSC and an opposition to the motion to dismiss. [Docket Nos. 58, 59].

The court already dismissed Ms. Shavers’s case after she was 2 weeks late in responding to the OSC. [Docket No. 57]. Her late filing was the last of several late filings. See [Docket Nos. 31, 41, 55]. Ms. Shavers was given multiple opportunities to amend the complaint, see, e.g., Docket No. 48 (Fifth Amended Complaint), but was unable to adequately state a claim. The court therefore will not consider her March 21, 2018 filings. The case remains closed.

IT IS SO ORDERED.

Dated: May 14, 2018



United States District Court
Northern District of California