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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY M. MENDOZA,  
Plaintiff,  
v.  
HIGH PERFORMANCE CAPITAL INC., et  
al.,  
Defendants.

Case No. [16-cv-05556-DMR](#)

**ORDER TO SHOW CAUSE**

Defendant High Performance Capital Inc. filed a motion for summary judgment on August 24, 2017. [Docket No. 31.] Currently, the motion is set for a court hearing on September 28, 2017. Plaintiff Anthony M. Mendoza is pursuing this action without legal representation. According to the local court rules, Plaintiff should have filed any brief in opposition to Defendant’s motion by September 7, 2017. See Civ. L.R. 7-3(a). The court has received no such opposition.

The court ORDERS Plaintiff to respond by September 20, 2017 and explain his failure to respond to the motion. In addition, Plaintiff must simultaneously (1) submit his opposition to the court or (2) file a statement of non-opposition to the motion. This order to show cause does not indicate that the court will necessarily accept Plaintiff’s late submission. If Plaintiff does not respond by September 20, 2017, Defendant’s motion may be granted or the case may be dismissed for failure to prosecute. The September 28, 2017 hearing on the motion for summary judgment is VACATED and will be re-set, if necessary, following Plaintiff’s submission.

**IT IS SO ORDERED.**

Dated: September 12, 2017

Donna M. Ryu  
United States Magistrate Judge  
