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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY M. MENDOZA,
Plaintiff,
v.
AARON ZAMBRANO, et al.,
Defendants.

Case No. [4:16-cv-06455-KAW](#)

**ORDER TO SHOW CAUSE; ORDER
CONTINUING MOTION HEARING**

Re: Dkt. No. 11

Plaintiff Anthony Mendoza, proceeding pro se, filed this lawsuit alleging wage and hour violations under the Fair Labor Standards Act.

On April 3, 2017, Defendants filed a motion to dismiss the first amended complaint. (Dkt. No. 69.) Pursuant to Civil Local Rule 7-3, with an additional three days for mailing, Plaintiff's opposition was due on April 20, 2017. To date, Plaintiff has not filed an opposition.

Accordingly, by no later than **May 17, 2017**, the Court orders Plaintiff to (1) file a response to this order to show cause and explain why his case should not be dismissed for failure to prosecute, and (2) file an opposition to the motion to dismiss. The response to this order to show cause and the opposition should be filed as separate documents. To aid in his compliance with this order, Plaintiff may wish to contact the Federal Pro Bono Project's Help Desk—a free service for pro se litigants— by calling (415) 782-8982 to make an appointment to obtain legal assistance from a licensed attorney.

Failure to timely respond to this order to show cause may result in the dismissal of this action for failure to prosecute. *See* Judge Westmore's General Standing Order ¶ 22 ("The failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion").

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Should Plaintiff timely file one or both oppositions, Defendants are permitted to file their replies on or before May 24, 2017.

Additionally, the June 1, 2017 hearing on the motion to dismiss is continued to **June 15, 2017** at U.S. District Court, 1301 Clay Street, Oakland, California at 11:00 a.m.

IT IS SO ORDERED.

Dated: April 26, 2017


KANDIS A. WESTMORE
United States Magistrate Judge