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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 MARK A. AVILA,

8 Plaintiff,

9 v.

10 INTERNATIONAL ASSOCIATION OF
11 SHEET METAL, AIR, RAIL AND
TRANSPORTATION WORKERS, et al.,

12 Defendants.

Case No. 18-cv-02148-KAW

ORDER TO SHOW CAUSE

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14 On July 11, 2018, the Court granted the parties' stipulation to stay the case pending
15 exhaustion of further internal union appeals. (Dkt. No. 17.) On January 7, 2021, the Court
16 ordered the parties to file a joint status report as to the status of the internal union appeals. (Dkt.
17 No. 18.) The parties' joint status report was due by January 21, 2021. (*Id.*)

18 On January 21, 2021, Defendants filed a unilateral status report, stating that that Plaintiff's
19 appeal was fully exhausted in August 2019.¹ (Dkt. No. 19 at 2.) Plaintiff was notified by certified
20 mail on September 12, 2019 that his appeal had been denied. (*Id.*) Defendant further states that in
21 the sixteen months since, Plaintiff has taken no steps to prosecute this action. (*Id.*) Plaintiff did
22 not file a status report.


23 Accordingly, the Court ORDERS Plaintiff to show cause, within **two weeks** of the date of
24 this order, why this case should not be dismissed for failure to prosecute. Failure to respond **will**
25 result in the Court reassigning this case to a district judge with the recommendation that the case

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27 ¹ It does not appear Defendants made an effort to reach out to Plaintiff to prepare the status report,
28 despite the Court requiring a joint status report. In the future, when filing a unilateral status report
in lieu of a required joint status report, Defendant must indicate what efforts were made to work
with opposing counsel to prepare a joint status report.

1 be dismissed for failure to prosecute.

2 IT IS SO ORDERED.

3 Dated: January 27, 2021

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KANDIS A. WESTMORE
5 United States Magistrate Judge
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