

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Melina Razavi,

NO. C 05-05298 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE:  
DISMISSAL**

v.

Melissa Razavi, et al.,

Defendants.

---

Plaintiff filed this action on December 21, 2005. (See Docket Item No. 1.) On January 25, 2006, the Court denied Plaintiff's motion to proceed *in forma pauperis*, denied Plaintiff's motion to appoint counsel, without prejudice, and dismissed her Complaint with leave to amend. (See Docket Item No. 9.) Plaintiff filed an Amended Complaint on February 28, 2006. (See Docket Item No. 10.) Plaintiff has failed to serve any Defendants in accordance with Fed. R. Civ. P. 4(m), and has taken no action in this case other than filing a letter addressed to Chief Judge Walker on June 30, 2006 requesting a transfer of this case. (See Docket Item No. 10.)

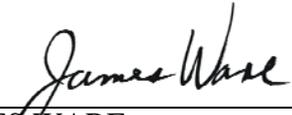
The Court orders Plaintiff Melina Razavi to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, California on **March 16, 2009 at 9:00 a.m.** to show cause, if any, by actual appearance in Court, and by certification filed with the Court at least ten (10) days prior to appearance date, why this case should not be dismissed for (1) failure to timely serve Defendants, and (2) failure to prosecute. The certificate shall set forth in factual summary the reason Plaintiff has failed to take any action in this case and the steps Plaintiff is taking, if any, to pursue the action.

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

If Plaintiff fails to file the certification, the **March 6, 2009** hearing will be vacated automatically and the case will be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action.

Dated: February 26, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Melina Razavi  
3 4501 Snell Avenue  
4 Apt. #2804  
5 San Jose, CA 95136

6 **Dated: February 26, 2009**

**Richard W. Wieking, Clerk**

7 **By:           /s/ JW Chambers**  
8 **Elizabeth Garcia**  
9 **Courtroom Deputy**

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28