E-Filed 1/14/09

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

KENNETH B. QUANSAH, JR.,
 	
               Plaintiff,
 	
     v.
 	
7-ELEVEN STORE #25561 (JAY MOUSAVI,
SADU SINGH), et al.,
 	
               Defendants.
	Case Number C 08-1012 JF (HRL)
	
	ORDER RE DOCUMENTS FILED BY PLAINTIFF ON SEPTEMBER 17, 2008
	
	[re: document nos. 26, 27, 28]

On July 25, 2008 the Court dismissed the above-entitled action without prejudice for failure to prosecute following Plaintiff's failure to appear in response to an Order to Show Cause. On September 9, 2008, the Court issued an order denying Plaintiff's request for an extension of time to oppose Defendant 7-Eleven, Inc.'s motion to dismiss, noting that the action already had been dismissed for failure to prosecute. In that order, the Court vacated the hearing date on the motion to dismiss and informed Plaintiff that if he still wished to proceed with the action he could file a motion pursuant to Federal Rule of Civil Procedure 60(b) seeking relief from the order of dismissal.

Case No. C 08-1012 JF (HRL)
ORDER RE DOCUMENTS FILED BY PLAINTIFF ON SEPTEMBER 17, 2008
(JFLC2)

1   Subsequently, on September 17, 2008, Plaintiff filed three documents in opposition to the

2 motion to dismiss. Those documents are without effect because the case has been dismissed and

3 the motion to dismiss has been vacated. Plaintiff again is informed that if he wishes to proceed

4 with the action he may file a motion pursuant to Federal Rule of Civil Procedure 60(b) seeking

5 relief from the Court's order of dismissal.

6   IT IS SO ORDERED.

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9 DATED: 1/14/09

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                                    JEREMY FOGEL
11   United States District Judge

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1 | Copies of Order served on:

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