

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES ALAN BUSH,)	Case No.: 5:08-CV-01354-LHK
)	
Plaintiff,)	
)	ORDER RE MOTION FOR DEFAULT
v.)	JUDGMENT
)	
SUNNYVALE DEPARTMENT OF PUBLIC)	
SAFETY, et al.,)	
)	
Defendants.)	


On April 10, 2012, the Court granted Plaintiff James Alan Bush’s (“Plaintiff”) motion for entry of default against Defendant Long Than Cao (“Cao”). ECF No. 196. Among other things, the Court ordered Plaintiff to file a motion for default judgment within 45 days of the Clerk’s entry of default. *Id.* On April 11, 2012, the Clerk entered default and mailed to Plaintiff via U.S. mail a copy of the notice of entry of default. *See* ECF No. 197. Thus, Plaintiff’s motion for default judgment was due May 28, 2012. As of the date of this Order, Plaintiff has not filed a motion for default judgment. However, the Court notes that there is no certificate of mailing associated with the April 10, 2012 Order, which indicates that Plaintiff may not have received a copy of the April 10, 2012 Order. Accordingly, Plaintiff is given leave until **August 23, 2012** to file a motion for default judgment. Plaintiff’s failure to file a motion for default judgment by **August 23, 2012** will result in a dismissal with prejudice for failure to prosecute. A case management conference

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remains set for September 5, 2012, at 1:30 p.m. The Clerk shall mail to Plaintiff a copy of this Order and the April 10, 2012 Order granting Plaintiff's motion for entry of default.

IT IS SO ORDERED.

Dated: July 23, 2012



LUCY H. KOH
United States District Judge