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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALFONSO GUZMAN,
Plaintiff,
v.
SHERATON HOTEL,
Defendant.

Case No.: C 09-3217 PSG

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE**

Plaintiff filed the complaint in this action on July 15, 2009. The deadline for service was 120 days from that date, November 12, 2009.¹ Thus, the time for service on Defendant has expired. Defendant has not been served. Additionally, the parties were required to file a case management conference statement on November 3, 2009 and to appear for a case management conference on November 10, 2009.² None of the parties did so. Also, by November 3, 2009, the parties were required either to file written consent to the jurisdiction of the magistrate judge or to request reassignment to a district judge.³ None of the parties did so.

If the plaintiff fails to prosecute or to comply with these rules or a court order, the court

¹ See Fed. R. Civ. P. 4(m).

² See 10/26/09 Order Setting Initial Case Mgmt. Conf. and ADR Deadlines (Docket No. 2).

³ See Civ. L.R. 73-1(a)(1).

1 may dismiss the action.⁴ Accordingly,

2 IT IS HEREBY ORDERED that Plaintiff show cause why the case should not be dismissed
3 for failure to prosecute. Plaintiff shall respond in writing no later than February 27, 2011. If
4 Plaintiff fails to show cause, this case will be reassigned to a district judge with a recommendation
5 for dismissal.

6 Dated: February 7, 2011

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PAUL S. GREWAL
United States Magistrate Judge

⁴ See Fed. R. Civ. P. 41(b).

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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 2/7/11 to:

Alfonso Guzman
2314 Poplar Ave.
E. Palo Alto, CA 94303

/s/ Kelly Lowenberg for
OSCAR RIVERA
Courtroom Deputy