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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROBERT MCCARTHY,
Plaintiff,
v.
RAMADA WORLDWIDE, INC.,
Defendants.

Case No.: C 09-4396 PVT
**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR FAILURE
TO PROSECUTE**

This action was removed to this court from state court on September 18, 2009. Pursuant to the Scheduling Order for Cases Asserting Denial of Right of Access under Americans with Disabilities Act Title II & III (42 U.S.C. §§ 12131–89), the last day for Plaintiff to file a “Notice of Need for Mediation” was February 11, 2010 (45 days after the Joint Site Inspection, which that order set as December 28, 2009). Plaintiff failed to file any such notice, and other than a dismissal of Defendant Ramada Worldwide, Inc., there is no activity reflected in the docket of this case since it was removed from state court. Therefore,

IT IS HEREBY ORDERED that, no later than October 12, 2010, Plaintiff shall file a declaration showing cause, if any, why this case should not be dismissed for failure to prosecute. See, FED.R.CIV.PRO. 41(b).

Dated: 9/27/10

Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge