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

Pepito C. Lim,
Plaintiff,
v.
Seaside Financial Corp., et al.,
Defendants.

NO. C 10-03596 JW

**ORDER TO SHOW CAUSE RE:
DISMISSAL FOR LACK OF
PROSECUTION**

On November 19, 2010, the Court issued an Order Adopting Report and Recommendation of Magistrate Judge Lloyd which dismissed Plaintiff’s TILA claim for damages with leave to amend to allege equitable tolling. (hereafter, “Order,” Docket Item No. 22.) The Court directed Plaintiff to file his Amended Complaint on or before December 13, 2010. (*Id.* at 2.) To date, Plaintiff has failed to file his Amended Complaint or otherwise communicate with the Court. Defendants, on the other hand, have filed a Notice of Non-Receipt of Amended Complaint/Failure to Comply with Court Order. (Docket Item No. 23.)

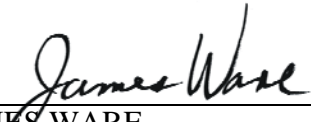
Accordingly, the Court hereby orders Plaintiff to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, Ca. On **February 28, 2011 at 9:00 a.m.** to show cause, if any, by actual appearance in Court, and by certification filed with the Court on or before **February 18, 2011**, why this case should not be dismissed for failure to prosecute. The certificate shall set forth in factual summary the reason no Amended Complaint has been filed and what steps Plaintiff is taking to prosecute the action. If Plaintiff fails to file the certification, the February 28 hearing will be vacated automatically and the case will be dismissed.

United States District Court
For the Northern District of California

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Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss the action pursuant to Fed. R. Civ. P. 41(b).

Dated: January 20, 2011



JAMES WARE
United States District Chief Judge

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

2 Andrew Edward Miller amiller@allenmatkins.com
3 Cathy Ann Hongola chongola@allenmatkins.com

4 Pepito C Lim
5 1955 Hogan Drive
6 Santa Clara, CA 95054

7 **Dated: January 20, 2011**

Richard W. Wieking, Clerk

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

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