

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

LAMAR DAVIS,)	Case No.: 10-CV-05146-LHK
)	
Plaintiff,)	ORDER DISMISSING CASE,
v.)	WITHOUT PREJUDICE, FOR FAILURE
)	TO PROSECUTE
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

On August 26, 2011, the Court issued an order granting Mr. Staskus’s motion to withdraw as Plaintiff’s counsel. ECF No. 43. The order stated, “The Court will hold a further Case Management Conference on September 21, 2011, at 2 p.m. If Plaintiff fails to appear at the September 21, 2011 Case Management Conference, the Court will issue an order to show cause why this action should not be dismissed for failure to prosecute.” *Id.*

Prior to the September 21, 2011 case management conference, Mr. John P. Cardosi gave notice to Plaintiff that the case management conference was set for September 21, 2011, and that the Court would issue an order to show cause why the case should not be dismissed for failure to prosecute if Plaintiff failed to appear. *See* ECF No. 47. Additionally, the Courtroom Deputy left a message at Plaintiff’s telephone number, provided to the Court by Mr. Cardosi, stating the time and place of the September 21, 2011 case management conference. *Id.*

On September 21, 2011, the Court held the case management conference. Plaintiff failed to appear. *Id.*

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Accordingly, the Court issued an order to show cause why this case should not be dismissed, without prejudice, for failure to prosecute. *Id.* Plaintiff had until October 5, 2011, to respond to the order. He did not. The Court held a hearing on the order to show cause on October 19, 2011, at 2:00 p.m. in Courtroom 8, 4th floor. Plaintiff failed to appear.

Accordingly, the Court DISMISSES this case, without prejudice, for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: October 19, 2011



LUCY H. KOH
United States District Judge