

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAYMOND J. SMITH,	)	Case No.: 12-CV-04150-LHK
	)	
Plaintiff,	)	ORDER TO SHOW CAUSE WHY CASE
	)	SHOULD NOT BE DISMISSED FOR
vs.	)	FAILURE TO PROSECUTE
	)	
HUNT & HENRIQUES, MICHAEL S. HUNT,	)	
and JANALIE HENRIQUES,	)	
	)	
Defendants.	)	

Plaintiff Raymond J. Smith (“Plaintiff”) filed his complaint on August 7, 2012 in the instant matter. On August 30, 2012, Defendants filed their answer. ECF No. 4. A case management conference was scheduled for February 6, 2013 at 2:00 p.m. ECF No. 10. The parties were required to file a joint case management conference statement by January 30, 2013. *Id.* Defendants filed a separate case management conference statement on February 1, 2013. ECF No. 11. Defendants state that they were not able to communicate with Plaintiff and therefore were unable to file a joint case management conference statement. Plaintiff did not file a case management conference statement. Plaintiff also did not appear at the February 6, 2013 case management conference.

In light of Plaintiff’s failure to file a case management conference statement and failure to appear at the February 6, 2013 case management conference, the Court hereby orders Plaintiff to show cause why this case should not be dismissed with prejudice for failure to prosecute. This

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Order does not authorize Plaintiff to file an untimely case management conference statement. Plaintiff has until February 20, 2013 to file a response to this Order to Show Cause. A hearing on this Order to Show Cause is set for **February 27, 2013 at 2:00 P.M.** Plaintiff's failure to respond to this Order and to appear at the February 27, 2013 hearing will result in dismissal with prejudice for failure to prosecute.

**IT IS SO ORDERED.**

Dated: February 6, 2013

  
\_\_\_\_\_  
LUCY H. KOH  
United States District Judge