

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

FRED FARMAHIN FARAHANI,)	Case No.: 12-CV-04637-LHK
)	
Plaintiff,)	ORDER DECLINING TO DISMISS
v.)	CASE AND SETTING NEW BRIEFING
)	SCHEDULE AND HEARING DATE
RONALD A. FLORIA, ADOLFO SALAZAR,)	
PLM LENDER SERVICES,)	
)	
Defendants.)	
)	

On January 7, 2013, this Court issued an Order to Show Cause (“OSC”) requiring Plaintiff Fred Farmahin Farahani (“Plaintiff”) to show cause, by January 21, 2012, why his case should not be dismissed for failure to prosecute, and to appear at the OSC hearing on January 31, 2013. *See id.* The OSC was based on Plaintiff’s failure to file an opposition or statement of nonopposition to the motion to dismiss filed by Defendant Ronald Floria (“Defendant Floria”) on September 28, 2012. *See id.* Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to the motion to dismiss was due on October 12, 2012. As of January 7, 2013, Plaintiff had not filed an opposition or statement of nonopposition to Defendant Floria’s motion to dismiss. The Court’s Order did not authorize Plaintiff to file an untimely opposition to Defendant Floria’s motion to dismiss. *See id.*

On January 30, 2013, Plaintiff filed a motion for a 45 day extension of the deadline to show cause. *See* ECF Nos. 19-20. Plaintiff’s motion and supporting declaration explain that: (1) Plaintiff is proceeding pro se; (2) Plaintiff is not registered for PACER; (3) Plaintiff only learned of

1 the OSC on January 20, 2013 after contacting the Clerk's Office regarding another matter; (4)
2 Plaintiff is permanently disabled as a result of stroke; and (5) Plaintiff's foot is broken.

3 Plaintiff appeared pro se at the hearing on the Court's Order to Show Cause on January 31,
4 2013, at 1:30 p.m. Benjamin Levinson appeared on behalf of Defendant Floria.

5 The Court declines to dismiss Plaintiff's case at this time in light of Plaintiff's January 30,
6 2013 motion to extend the deadline to show cause and Plaintiff's appearance at the January 31,
7 2013 OSC hearing.

8 At the January 31, 2013 OSC hearing, the Court referred Plaintiff to the Federal Legal
9 Assistance Self-Help Center ("FLASH") at the San Jose Courthouse. The telephone number for
10 FLASH is (408) 297-1480.

11 At the January 31, 2013 OSC hearing, Plaintiff represented that Defendant Adolfo Salazar
12 has been served. Accordingly, the Court also ordered Plaintiff to file proof of service of Defendant
13 Adolfo Salazar by **February 1, 2013**.

14 At the January 31, 2013 OSC hearing, the Court ordered Plaintiff to file an opposition to
15 Defendant Floria's motion to dismiss by **February 21, 2013**. The Court notified Plaintiff that
16 failure to file an opposition by the February 21, 2013 deadline would result in dismissal of this
17 action with prejudice for failure to prosecute.

18 The Court set the deadline for Defendant Floria to file his reply on **February 28, 2013**.
19 The Court set the hearing on Defendant Floria's motion to dismiss and a case management
20 conference on **Thursday, April 11, 2013, at 1:30 p.m., in courtroom 8**. The parties are required
21 to file a Joint Case Management Statement by **April 4, 2013**.

22 The Court DENIES Plaintiff's motion for a 45 day extension of the deadline to show cause
23 as moot.

24 **IT IS SO ORDERED.**

25 Dated: January 31, 2013

26 
27 LUCY H. KOH
28 United States District Judge