*E-FILED: July 30, 2013

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CHANH NGUYEN,

Plaintiff,

v.

ICORE INTERNATIONAL, INC.,

Defendant.

_____/

No. C12-04983 HRL

ORDER TO SHOW CAUSE RE: DISMISSAL FOR FAILURE TO PROSECUTE

Based on a declaration submitted by defendant that plaintiff has refused to accept any written communications from defendant's counsel, engage in substantive oral communication, appear for a conference call with the Court's ADR Director, respond to any written discovery, or appear for a deposition, the Court issued an Order setting a Case Management Conference for July 30, 2013. (Dkt. 24). The Court ordered the parties to appear in person, and mailed a copy of the Order to plaintiff.

Plaintiff apparently received the mailing, but did not open it. He sent a letter to the Court in response and included with his letter the unopened envelope. He wrote "Return to Sender" on the envelope and stated in his letter: "I am sorry to inform you that I never have concerned to your Office . . . Therefore I return to you your unlawful and unreasonable letter that you mailed . . . and please don't disturb me again." (Dkt. 26).

The Court held the Case Management Conference on July 30, 2013 and plaintiff did not appear. Defendant reported that plaintiff has continued to refuse to engage in any form of

communication, and has returned all of defendant's written communications in their unopened envelopes.

Because of plaintiff's continued failure to take the necessary steps to prosecute his own case, including communicating with the Court and appearing at the Case Management Conference, the Court is prepared to dismiss plaintiff's case for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b). All case management deadlines, including the August 28, 2013 Pretrial Conference, are vacated until further notice. Plaintiff shall appear on **August 20, 2013 at 10:00 am** in Courtroom 2, Fifth Floor, 280 South First St., San Jose CA 95113 and show cause, if any, why this case should not be dismissed. Plaintiff shall file a Statement in response to this Order to Show Cause no later than **August 13, 2013**. Plaintiff's failure to appear at the hearing will serve as further grounds for dismissing the case.

SO ORDERED.

Dated: July 30, 2013

HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

C12-04983 HRL Order will be electronically mailed to:

Michael Lewis Wolfram mwolfram@wolframworkplacelaw.com

C12-04983 HRL Order will be mailed to:

Chanh Nguyen
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Berkeley, CA 94703

Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.