

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

HAZEL MAE TURNER,)	Case No.: 12-CV-06285-LHK
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY CASE
v.)	SHOULD NOT BE DISMISSED FOR
)	FAILURE TO RESPOND TO MOTION
NATIONAL FEDERATION OF FEDERAL)	TO DISMISS
EMPLOYEES, and DOES 1 through 25,)	
)	
Defendants.)	
)	

Plaintiff Hazel Mae Turner (“Plaintiff”) filed her complaint on September 13, 2012 in the Superior Court for the County of San Benito. Defendant National Federation of Federal Employees (“Defendant”) removed this action to the instant court on December 11, 2012. ECF No. 1. On December 19, 2012, Defendant filed a motion to dismiss. ECF No. 8.¹ Pursuant to Civil Local Rule 7-3(a), Plaintiff’s Opposition to the Motion to Dismiss was due on January 2, 2013. As of today, April 19, 2013, Plaintiff has not filed an Opposition or Statement of Non-Opposition to Defendant’s Motion to Dismiss. Defendant’s Motion to Dismiss is scheduled to be heard on April 25, 2013, at 1:30 p.m.

In light of Plaintiff’s failure to respond to the Motion to Dismiss, the Court hereby orders Plaintiff to show cause why this case should not be dismissed for failure to prosecute. This Order

¹ Defendants filed an Amended Notice of Motion on December 20, 2012. ECF No. 9. The Amended Notice of Motion appears to add the time of the hearing to the first paragraph of the original Notice of Motion.

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does not authorize Plaintiff to file an untimely Opposition to Defendant's Motion to Dismiss. Plaintiff has until May 3, 2013 to file a response to this Order to Show Cause. A hearing on this Order to Show Cause is set for **May 8, 2013 at 2:00 P.M.** Plaintiff's failure to respond to this Order and to appear at the May 8, 2013 hearing will result in dismissal without prejudice for failure to prosecute. The April 25, 2013 hearing on Defendant's Motion to Dismiss is VACATED.

IT IS SO ORDERED.

Dated: April 19, 2013



LUCY H. KOH
United States District Judge