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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MAHMOUD ASCARIE,
Plaintiff,

v.

GAVILAN COLLEGE, et al.,
Defendants.

Case No. [16-cv-02493-BLF](#)


**ORDER TO SHOW CAUSE RE
DISMISSAL**

On October 25, 2016, the Court granted Defendants’ motion to dismiss. ECF 31. In the order granting the motion to dismiss, the Court granted Plaintiff leave to amend his claims to establish federal court jurisdiction. *Id.* at 8. The Court further ordered Plaintiff to file any amended complaint on or before November 23, 2016. *Id.* Plaintiff did not file an amended complaint within the time provided and still has not amended it. In a prior motion, Plaintiff indicated that he intended to file this action in state court if the Court were to grant Defendants’ motion to dismiss. ECF 27.

Accordingly, the Court ORDERS Plaintiff to show cause in writing **on or before December 28, 2016**, why this action should not be dismissed for failure to comply with this Court’s order and for failure to prosecute. If Plaintiff does not respond by December 28, 2016, the Court will dismiss the action pursuant to Federal Rule of Civil Procedure 41(b) without further notice. Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005).

IT IS SO ORDERED.

Dated: November 29, 2016


BETH LABSON FREEMAN
United States District Judge