

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERNESTO MIGUEL HEREDIA,
Plaintiff,
v.
THE HERTZ CORPORATION,
Defendant.

Case No.18-cv-00870-VKD

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**

Plaintiff Ernesto Heredia filed the present action on February 9, 2018. Dkt. No. 1. On February 22, 2018, the Court granted Mr. Heredia’s application to proceed in forma pauperis. Dkt. No. 4. The U.S. Marshals Service served the complaint on defendant The Hertz Corporation (“Hertz”), and all parties consented that all proceedings in this matter may be heard and finally adjudicated by a magistrate judge. 28 U.S.C. § 636(c); Fed. R. Civ. P. 73.

On June 22, 2018, the Court granted Hertz’s motion to dismiss the complaint with leave to amend. Mr. Heredia was given until July 12, 2018 to file his amended pleading. That deadline has passed, and Mr. Heredia has not filed an amended complaint.


Accordingly, the Court orders Mr. Heredia to show cause why this case should not be dismissed with prejudice for failure to prosecute this matter. Mr. Heredia shall file a written response to this order by **August 3, 2018**. A hearing on this order to show cause is set for **August 7, 2018, 10:00 a.m.**, Courtroom 2, Fifth Floor, United States District Court, 280 South First Street, San Jose, California. If Mr. Heredia fails to file a written response or fails to appear at the

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

hearing, the Court will dismiss this case with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: July 23, 2018


VIRGINIA K. DEMARCHI
United States Magistrate Judge