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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN JOSE DIVISION**  
6

7 BYRON CHAPMAN,  
8 Plaintiff,

9 v.

10 GERALD BRIAN TAYLOR, et al.,  
11 Defendants.

Case No. [18-cv-00903-BLF](#)

**ORDER DENYING MOTION FOR  
ORDER TO SHOW CAUSE**

[Re: ECF 23]

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13 Before the Court is Defendant Dhirajlal Panchal's motion for an order to show cause to  
14 Plaintiff Byron Chapman why he has standing and/or his ADA claim is not moot. *See* ECF 23.  
15 The Court finds that a motion for an order to show cause is not the proper vehicle for seeking the  
16 redress Defendant seeks here. Instead, Defendant must file a motion for summary judgment or a  
17 motion to dismiss for lack of subject matter jurisdiction. This result is not contrary to Judge  
18 LaPorte's decision in *Castillo-Antonio v. Heshma*, No. 15-cv-2102, ECF 44 (Feb. 22, 2016), as the  
19 parties there stipulated that all alleged barriers had been remedied. Here, Plaintiff has not so  
20 stipulated, and so the Court cannot know whether this fact is in dispute. Accordingly, the motion  
21 for order to show cause is **DENIED** without prejudice to Defendant filing a motion for summary  
22 judgment or motion to dismiss for lack of subject matter jurisdiction. If Defendant wishes also to  
23 stay the deadlines in this case, he must file a motion seeking such relief.

24 **IT IS SO ORDERED.**

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26 Dated: September 26, 2018

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28 BETH LABSON FREEMAN  
United States District Judge