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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

VIVEK GANTA,  
Plaintiff,  
v.  
JPMORGAN CHASE BANK, N.A.,  
Defendant.

Case No. [5:20-cv-06230-EJD](#)  
**ORDER TO SHOW CAUSE**  
Re: Dkt. No. 6

Defendant JP Morgan Chase Bank, N.A. (“Defendant”) removed this action from Santa Clara County Superior Court on the basis of 28 U.S.C. §§ 1441(a) and 1441(c)(1), as one of the asserted claims arises under federal law. On September 10, 2020, Defendant moved to dismiss the Complaint, asserting that Plaintiff’s claims are barred by *res judicata* because the state court previously entered a judgment against Plaintiff on the same claims in a separate but identical state court action filed in 2019. To date, Plaintiff, who is proceeding pro se, has failed to respond to the motion and the time within which to do so has expired.

Accordingly, Plaintiff is ordered to show cause in writing why this case should not be dismissed as barred by *res judicata* and for failure to prosecute. Plaintiff must file and serve a written response to this Order to Show Cause no later than **November 6, 2020**. If Plaintiff fails to do so, the court will dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

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**ORDER TO SHOW CAUSE**

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Plaintiff is further advised that Defendant has filed a motion for sanctions. The response to this motion is due **October 27, 2020**. Failure to respond to the motion for sanction may result in the imposition of sanctions in the amount of at least \$7,766.62.

**IT IS SO ORDERED.**

Dated: October 16, 2020

  
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EDWARD J. DAVILA  
United States District Judge