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United States District Court
Northern District of California

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

BRIAN WHITAKER,
Plaintiff,

v.

INFINITE LOOP CUPERTINO HOTEL,
LLC,
Defendant.

Case No. 21-cv-00483-BLF

**ORDER TO SHOW CAUSE RE
DISMISSAL**

On August 23, 2021, the Court granted Defendant’s motion to dismiss with leave to amend and ordered Plaintiff to file an amended complaint no later than 14 days from that order. *See* ECF No. 21. The Court warned that “failure to meet the deadline to file an amended complaint . . . will result in dismissal of Plaintiff’s claims with prejudice.” *Id.* at 9. Plaintiff did not file an amended complaint by 14 days from that order. Accordingly, the Court **ORDERS** Plaintiff to show cause, in writing, **on or before September 22, 2021**, 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 September 22, 2021, 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: September 8, 2021



BETH LABSON FREEMAN
United States District Judge