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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRIAN WHITAKER,
Plaintiff,
v.
LSH PLUS LLC,
Defendant.

Case No. [5:21-cv-00881-EJD](#)

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**

Plaintiff Brian Whitaker filed the present action on February 4, 2021. Dkt. No. 1. Pursuant to the Court's September 2, 2021 Order granting the parties' stipulation to set aside default and General Order 56, the parties' last day to conduct a joint site inspection was November 1, 2021 and Plaintiff's last day to file a notice of need for mediation was December 13, 2021. Dkt. Nos. 5, 20. Plaintiff did not file a notice of need for mediation, nor did Plaintiff seek relief from the December 13, 2021 deadline.

The Court possesses the inherent power to dismiss an action sua sponte "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Plaintiff is directed to file a written response to this order by **January 24, 2022** and to appear before the Court on **February 3, 2022, at 10:00 a.m.** and show cause why this action should not be dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). If Plaintiff fails to file a written response by the above deadline, the Court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

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Case No.: [5:21-cv-00881-EJD](#)
OSC WHY ACTION SHOULD NOT BE DISMISSED

United States District Court
Northern District of California

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IT IS SO ORDERED.

Dated: January 7, 2022



EDWARD J. DAVILA
United States District Judge