

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUG 12 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ADA MARIA BENSON, M.D.,

Plaintiff-Appellant,

v.

CENSUS 2020; UNITED STATES
DEPARTMENT OF COMMERCE,

Defendants-Appellees.

No. 21-55791

D.C. No.
5:20-cv-02642-JWH-KK
Central District of California,
Riverside

ORDER

Before: SCHROEDER, TASHIMA, and HURWITZ, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the orders challenged in the appeal are not final or appealable. *See* 28 U.S.C. § 1291. Consequently, this appeal is dismissed for lack of jurisdiction.

DISMISSED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No.	EDCV 20-02642-JWH (KKx)	Date	May 11, 2021
Title	Ada Maria Benson v. Census 2020		

Present: The Honorable JOHN W. HOLCOMB, UNITED STATES DISTRICT JUDGE

Irene Vazquez
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (IN CHAMBERS) Order to Show Cause re Dismissal for
Lack of Prosecution**

Generally, each Defendant must answer or otherwise respond to the complaint within 21 days after service (60 days if the Defendant is the United States). Fed. R. Civ. Proc. 12(a)(1).

In the present case, it appears that Plaintiff served the summons and complaint on one or more Defendants more than 21 days ago (60 days if the Defendant is the United States), but such Defendant(s) did not file an answer or otherwise respond to the complaint. Accordingly, the Court, on its own motion, hereby orders Plaintiff to show cause in writing on or before **June 1, 2021**, why this action should not be dismissed, with respect to each Defendant who has not filed an answer or otherwise responded to the complaint. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds that this matter is appropriate for submission without oral argument. This Order to Show Cause will be discharged if Plaintiff files, before the deadline set forth above, a request for the entry of default with respect to the applicable Defendant(s). Fed. R. Civ. Proc. 55(a).

IT IS SO ORDERED.

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The duplicative notice of appeal filed in the district court on August 19, 2021 has been docketed in as an amended notice of appeal in this case.

Appellant's motion for reconsideration (Docket Entry No. 6) is denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

**Additional material
from this filing is
available in the
Clerk's Office.**