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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE DISTRICT OF ARIZONA**

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**Daryl Little, Paul Little, )  
Gwaine Little, )**

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**Plaintiffs, )**

**CV 13-01913 PHX MEA**

10

**v. )**

**ORDER OF DISMISSAL**

11

**WITHOUT PREJUDICE**

**Berg Home LLC, Connie )  
Schwichtenberg, John Doe )  
Schwichtenberg, )**

13

**Defendants. )**

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16 Plaintiffs have consented to the exercise of magistrate  
17 judge jurisdiction over the matter, including the entry of final  
18 judgment. Defendants have not appeared in the matter

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19 The complaint was docketed September 17, 2013.  
20 Although the civil docket reflects service was returned as  
21 executed on October 21, 2013, Defendants have not appeared nor  
22 answered the complaint and Plaintiffs have not docketed any  
23 pleading seeking to further prosecute their claims. Plaintiffs  
24 have not sought Defendants' default.

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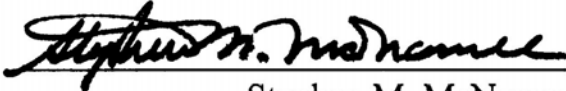
25 On March 11, 2013, citing Rule 41.1 of the Local Civil  
26 Rules of the United States District Court for the District of  
27 Arizona, the Court allowed Plaintiffs until April 25, 2014, to  
28 show cause for their failure to further prosecute their claims.

1 Plaintiffs responded to the order to show cause on April 24,  
2 2014, by docketing a notice of settlement and asking the Court  
3 to continue the matter for thirty days to allow Plaintiffs to  
4 finalize the settlement and docket a notice of voluntary  
5 dismissal. No further pleadings have been filed. Thirty days  
6 have passed since Plaintiffs asked to the Court to continue the  
7 matter. Noting that Plaintiffs have done nothing to prosecute  
8 this matter since serving Defendants in November of 2013, and  
9 that Plaintiffs have represented to the Court that a settlement  
10 in this matter has been reached,

11 **IT IS ORDERED** that Plaintiffs' complaint is dismissed  
12 **without prejudice**. The Clerk of the Court shall close the  
13 docket in this matter.

14 DATED this 30th day of May, 2014.

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Stephen M. McNamee  
Senior United States District Judge