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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BANK OF NEW YORK MELLON, AS INDENTURE TRUSTEE FOR ENCORE CREDIT RECEIVABLES TRUST 2005-1,

Plaintiff,

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PEGGY GOMEZ; DAVID ALAN BOUCHER; NORTH AMERICAN TITLE; EXPEDIA LENDING GROUP; ALL PARTIES WITH ANY RIGHT, TITLE, OR INTEREST IN THE REAL PROPERTY AT 16225 DOUBLEGROVE STREET, LA PUENTE, CALIFORNIA; and DOES 1 through 25,

Defendants.

Case No. 2:12-cv-10622-ODW(JCx)

ORDER TO SHOW CAUSE RE LACK OF PROSECUTION AND SERVICE OF PROCESS

Based on Plaintiff's Proof of Service, Defendant North American Title has failed to timely answer Plaintiff's Complaint. (ECF No. 10.) Although North American Title filed a Declaration of Nonmonetary Status, it has not filed an answer. (ECF No. 15.)

Accordingly, Plaintiff is hereby **ORDERED TO SHOW CAUSE**, in writing no later than March 16, 2013, why this case should not be dismissed for failure to prosecute. The Court will discharge this order to show cause upon receipt of Plaintiff's request for entry of default or an answer from North American Title. Plaintiff may instead file a notice of dismissal as to North American Title if it so

chooses. In the event multiple documents are filed before the above date, the answer will take precedence.

Further, no proof of service has been filed for Peggy Gomez. Under Federal Rule of Civil Procedure 4(m), the Court must dismiss a case without prejudice if a plaintiff fails to serve a defendant within 120 days after the complaint is filed, unless the plaintiff can show good cause for the failure. Plaintiff is hereby **ORDERED TO SHOW CAUSE** why Peggy Gomez has not been timely served. Plaintiff has until March 16, 2013, to respond to this order, setting forth reasons why Peggy Gomez has not been timely served. Or if she has been served, Plaintiff has until March 16, 2013 to file the proof of service.

No hearing will be held for either of these orders to show cause. Failure to timely respond to both orders to show cause will result in dismissal of this action.

IT IS SO ORDERED.

March 6, 2013

OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE