

LINK:

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No.	CV 15-09224-BRO (AGRx)	Date	March 28, 2016
Title	JOHN R. CHASE V. RESIDENTIAL CREDIT SOLUTIONS, INC. ET AL		

Present: The Honorable **BEVERLY REID O’CONNELL, United States District Judge**

Renee A. Fisher

Not Present

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS)

**ORDER TO SHOW CAUSE
RE: FAILURE TO PROSECUTE**

Plaintiff John R. Chase (“Plaintiff”) initiated this action in the Los Angeles Superior Court against Defendants Residential Credit Solutions, Inc. (“RCS”), Ocwen Loan, LLC (“Ocwen”), and the Law Offices of Les Zieve. On March 28, 2016, this Court dismissed Plaintiff’s claims against RCS and Ocwen with prejudice. (Dkt. No. 42) Plaintiff’s original complaint, his First Amended Complaint, and Second Amended Complaint, name the Law Offices of Les Zieve as a defendant in this case. (Dkt. Nos. 1-1, 8, 26.) There is no evidence before this Court that Plaintiff has served the Law Offices of Les Zieve with the complaint and summons at any time. *See* Fed. R. Civ. P. 4(c) (requiring plaintiffs to serve summons and a copy of the complaint).

Nor does any version of Plaintiff’s complaint contain a single factual allegation pertaining to the Law Offices of Les Zieve, other than to state “[u]pon information and belief, Defendant LAW OFFICES OF LES ZIEVE (‘Les Zieve’), is a business organization of unknown form doing business in the State of California.” (Dkt. No. 1-1 ¶ 4; Dkt. No. 8 ¶ 5; Dkt. No. 26 ¶ 5.) *See Henderson v. Visa USA, Inc.*, 56 F. App’x 355, at *1 (9th Cir. 2003) (unpublished) (“The district court also properly dismissed the claims against [certain defendants] because [plaintiff’s] amended complaint . . . contained no allegations against these defendants.”); *Silicon Knights, Inc. v. Crystal Dynamics, Inc.*, 983 F.Supp. 1303, 1308 (N.D. Cal. 1997) (“[C]ourts have consistently held that, where the complaint names a defendant in the caption but contains no allegations indicating how the defendant violated the law or injured the plaintiff, a motion to dismiss in regard to that defendant should be granted.” (quoting *Morabito v. Blum*, 528 F.Supp. 252, 262 (S.D.N.Y. 1981))).

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Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** as to why the Court should not dismiss Plaintiff’s case against the Law Offices of Lez Zieve for failure to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Plaintiff’s response to this Order must be filed **no later than 4:00 p.m. on Friday, April 1, 2016**. If Plaintiff does not respond to this Order, the Court will dismiss the case against the Law Offices of Les Zieve, and close the case in its entirety.

IT IS SO ORDERED.

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Initials of Preparer	_____ rf