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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BRENT J. SMALL AND LEE )  
ANN SMALL, AS HUSBAND )  
AND WIFE, )

Plaintiff, )

v. )

HONORABLE JUDGE JOHN )  
DAVIS, INDIVIDUALLY AND )  
IN HIS OFFICIAL CAPACITY )  
AS A JUDGE IN THE )  
SUPERIOR COURT OF )  
CALIFORNIA IN THE COUNTY )  
OF RIVERSIDE, JUDGE )  
PAULETTE BARKLEY, )  
INDIVIDUALLY AND IN HER )  
OFFICIAL CAPACITY AS A )  
JUDGE IN THE SUPERIOR )  
COURT OF CALIFORNIA IN )  
THE COUNTY OF RIVERSIDE, )  
AND DOES 1 THROUGH 10, )  
INCLUSIVE, )

Defendants. )

Case No. EDCV 12-01726 VAP  
(SPx)

**ORDER DISMISSING COMPLAINT  
WITHOUT PREJUDICE**

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On October 9, 2012, Plaintiffs Brent J. Small and Lee Ann Small filed their First Amended Complaint (Doc. No. 12) ("FAC") against Defendants Judge John Davis, Judge

1 Paulette Barkley, the Federal National Mortgage  
2 Association, and DOES 1 to 10.

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4 Plaintiffs filed a Proof of Service on October 28,  
5 2012 (Doc. No. 11), which did not comply with Federal  
6 Rule of Civil Procedure 10. The Court notified  
7 Plaintiffs of this deficiency (Doc. No. 15) on November  
8 1, 2012.

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10 Since then, Plaintiffs have not filed an amended  
11 Proof of Service. On May 2, 2013, the Court issued an  
12 Order to Show Cause ("OSC"), by May 13, 2013, why the  
13 action should not be dismissed without prejudice for  
14 failure to prosecute. (See Doc. No. 16.) Plaintiff  
15 failed to respond timely to the OSC. Accordingly, the  
16 Court DISMISSES without prejudice Plaintiff's Complaint.

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19 Dated: May 15, 2013



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VIRGINIA A. PHILLIPS  
United States District Judge

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