

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

Case No. **EDCV 13-0528 JGB (OPx)** Date August 13, 2013

Title ***Ruben Ramirez v. Bank of America N.A.***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

**MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: ORDER To Show Cause re: Lack of Prosecution (IN CHAMBERS)**

On February 27, 2013, Plaintiff Ruben Ramirez filed his Complaint against Defendant Bank of America. (Doc. No. 1.) Proof of service was filed on April 22, 2013 as to the sole named Defendant. (Doc. Nos. 9.) The proof of service is incomplete as it does not indicate that both the summons and complaint were served on a person authorized to accept service for Bank of America. See Fed. R. Civ. P. 4.

Moreover, pursuant to Federal Rule of Civil Procedure 12(a)(1), Defendant must answer the complaint within 20 days after service. Fed. R. Civ. P. 12(a)(1). No answers or responsive pleadings have been filed in the case.

Accordingly, the Court, on its own motion, **ORDERS** Plaintiff to show cause in writing on or before **August 23, 2013**, why this action should not be dismissed for lack of prosecution. Link v. Wabash R. Co., 370 U.S. 626 (1962) (court has inherent power to dismiss for lack of prosecution on its own motion). Filing proper proof of service within 120 days of the Complaint in compliance with Fed. R. Civ. P. 4(m), an appearance by Defendant, or an application for entry of default pursuant to Fed. R. Civ. P. 55(a) will constitute satisfactory responses to the Order to Show Cause. Failure to respond to this Order will be deemed consent to the dismissal of the action.

**IT IS SO ORDERED.**