

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

Case No. **EDCV 13-0720 JGB (DTBx)**

Date September 2, 2014

Title ***Antonio Valladares v. Countrywide Home Loan, Inc., et al.***

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

MAYNOR GALVEZ

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

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

On April 18, 2013, Plaintiff filed his Complaint against ten Defendants. (Doc. No. 1.) On June 5, 2013, Plaintiff applied for entry of Default as to Defendants Bank of America Home Loan, Bank of America, N.A., Reconstruct Company, Mortgage Electronic Registration System, THR California, L.P., and THR California, LLC. (Doc. No. 5.) The Clerk issued a notice of deficiency refusing to enter the default against THR California LLC and THR California LP because no proof service was on file. (Doc. No. 30.)

On June 11, 2013, Defendants Countrywide Home Loan, Inc., U.S. Bank, N.A., Reconstruct Company, Bank of America Home Loan, Mortgage Electronic Registration System, and Bank of America, N.A. moved to dismiss the Complaint. (Doc. No. 9.) Plaintiff failed to timely oppose and therefore the Court granted the motion and dismissed the moving Defendants from the Complaint without prejudice on July 8, 2014. (Doc. No. 8.) Judgment was entered as to the six Defendants on July 9, 2014. (Doc. No. 9.)

As of the date of this Order, the following Defendants remain in the action: Corelogic, Landsafe Title, THR California, LLC, and THR California, LP. No proper proof of service is on file as to any of these Defendants. Insofar as Plaintiff attempted to serve some of these Defendants (see Doc. Nos. 5, 7), the proofs of service fail to comply with Federal Rule of Civil Procedure 4(c)(2) because a party to the action cannot accomplish service. None of the remaining Defendants have appeared.

The Court ORDERS Plaintiff show cause in writing on or before **September 12, 2014**, why this case should not be dismissed for lack of prosecution as to Defendants Corelogic, Landsafe Title, THR California, LLC, and THR California, LP. See Link v. Wabash R. Co., 370 U.S. 626 (1962) (court has inherent power to dismiss for lack of prosecution on its own motion). Plaintiff has failed to file proper proofs of service on Defendants Corelogic, Landsafe Title, THR California, LLC, and THR California, LP within 120 days of the filing of the Complaint. Plaintiff can satisfy this order by showing that service was effectuated on these four Defendants within the 120 day deadline or by showing good cause for failure to do so. Fed. R. Civ. P. 4(m). Failure to respond to this Order will be deemed consent to the dismissal of the action.

IT IS SO ORDERED.