

**PRIORITY SEND**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIACIVIL MINUTES -- GENERAL

Case No. EDCV 13-00940-VAP (SPx)

Date: February 20, 2014

Title: CHRISTIE L. REED -v- FEDERAL NATIONAL MORTGAGE  
ASSOCIATION; DAVID ALAN BOUCHER; SARA LUZ ARGUELLO  
FERNANDO DIAS; EVERETT XAVIER CABRERA; AND DOES 1  
THROUGH 10, INCLUSIVE

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard  
Courtroom Deputy

None Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFFS:

ATTORNEYS PRESENT FOR  
DEFENDANTS:

None

None

PROCEEDINGS: ORDER TO SHOW CAUSE RE: FAILURE TO PROSECUTE  
(IN CHAMBERS)

On September 11, 2013, Defendant/Counterclaimant Federal National Mortgage Association ("Fannie Mae") filed a Counterclaim (Doc. No. 29) against, inter alia, Sarah Cabrera ("Cabrera"). To date, however, Fannie Mae has not submitted a proof of service on Cabrera for the Counterclaim, nor has Fannie Mae submitted evidence purporting to show efforts made to give notice or a reason notice should not be required. Pursuant to Federal Rule of Civil Procedure ("FRCP") 4(m), a plaintiff must serve summons and complaint on all named defendants within 120

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Page 1

days of filing. When a plaintiff or a counterclaimant fails to prosecute the case, the Court on its own motion may dismiss the case for that failure under FRCP 41(b). See Tolbert v. Leighton, 623 F.2d 585, 586-87 (9th Cir. 1980). Plaintiff has failed to prosecute this action as to Cabrera. Thus, this action is subject to dismissal as to Cabrera.

Accordingly, the Court ORDERS Fannie Mae to show cause, in writing, not later than February 27, 2014, why Sarah Cabrera should not be dismissed without prejudice for failure to prosecute. Failure to file a response will result in dismissal of Fannie Mae's Counterclaim as to Cabrera.

**IT IS SO ORDERED.**