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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HENRY C. BALANZA, et)	Case No. EDCV 13-01002-JGB
al.,)	(OPx)
)	
Plaintiffs,)	JUDGMENT AND ORDER
)	DISMISSING COMPLAINT WITHOUT
v.)	PREJUDICE
)	
WELLS FARGO BANK, N.A.,)	
et al.,)	
)	
Defendants.))	

On April 12, 2013, Plaintiffs Henry C. Balanza and Merida G. Balanza ("Plaintiffs") filed a complaint against Defendants Wells Fargo Bank N.A. ("Wells Fargo"), NDEx West LLC ("NDEx") and fictitious entities (collectively, "Defendants"). (Compl., Doc. No. 1.) On August 6, 2013, the Court granted Wells Fargo's motion to dismiss due to Plaintiffs' failure to oppose. (Doc. No. 7.) Wells Fargo was dismissed from the complaint without prejudice on August 13, 2013. (Doc. No. 8.)

1 Plaintiffs failed to file proof of service as to
2 Defendant NDEx within 120 days of filing the Complaint.
3 No answer or responsive pleading has been filed. On
4 October 3, 2013, the Court issued an Order to Show Cause
5 by October 17, 2013 why the case should not be dismissed
6 for lack of prosecution as to NDEx. (Doc. No. 9.) The
7 Court put Plaintiffs on notice that failure to respond to
8 the order would be deemed consent to the dismissal of the
9 action. (Id.) As of the date of this Order, Plaintiffs
10 have not responded to the order to show cause, nor have
11 they filed a proof of service as to NDEx.

12 Accordingly, the Court DISMISSES Plaintiffs'
13 Complaint WITHOUT PREJUDICE. The Court orders that such
14 judgment be entered.

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Dated: 12/13/13 _____



JESUS G. BERNAL
United States District Judge