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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GILBERT SALINAS,)
)
Plaintiff,)
)
v.)
)
OLD TOWN CENTER I, LLC)
and DOES 1 through 10,)
)
Defendants.)
)

Case No. EDCV 13-01580-JGB
(DTBx)

**JUDGMENT AND ORDER
DISMISSING COMPLAINT WITHOUT
PREJUDICE**

On September 9, 2013, Plaintiff Gilbert Salinas filed his Complaint against Defendants Old Town Center I, LLC and fictitious parties. (Doc. No. 1.) Proof of service was filed on November 18, 2013 indicating service was executed on September 17, 2013 as to Old Town Center I, LLC. (Doc. Nos. 8.)


Pursuant to Federal Rule of Civil Procedure 12(a)(1), Defendant must answer the complaint within 20 days after service, or by October 8, 2013. (Id.); Fed. R. Civ. P. 12(a)(1). No answer or responsive pleading has been filed in the case.

1 On December 18, 2013, the Court issued an order to
2 show cause by December 31, 2013 why the case should not
3 be dismissed for lack of prosecution. (Doc. No. 9.) An
4 appearance by Defendant or an application for entry of
5 default pursuant to Federal Rule of Civil Procedure Rule
6 55(a) would have constituted a satisfactory response to
7 the order to show cause. (Id.) The Court put Plaintiff
8 on notice that failure to respond to the order would be
9 deemed consent to the dismissal of the action. (Id.) As
10 of the date of this Order, Plaintiff has not responded to
11 the order to show cause, nor has he requested an entry of
12 default.

13 Accordingly, the Court DISMISSES Plaintiff's
14 Complaint WITHOUT PREJUDICE. The Court orders that such
15 judgment be entered.

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Dated: January 3, 2014



JESUS G. BERNAL
United States District Judge