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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

DON ROSE,

Plaintiff,

v.

**SAMUEL ABRAHAM, BELLA
ROBLES CORP., INC., STEVEN DUCE,
RICHARD WYNN, and BANK OF THE
SIERRA,**

Defendants.

CIV F 08-606 AWI SMS

**ORDER ON PLAINTIFF'S
MOTION FOR EX PARTE
WRIT OF ATTACHMENT
AND EX PARTE TEMPORARY
RESTRAINING ORDER**

(Doc. Nos. 7, 8)

On September 2, 2011, this Court issued to Plaintiff an order to show cause why this case should not be dismissed for lack of prosecution. The Court indicated that numerous entries of default had been made, but no default judgment had been obtained. Further, there were months of inactivity despite the absence of any appearing defendants.

On September 9, 2011, Plaintiff's counsel filed a declaration in response to the order to show cause. Plaintiff's counsel indicates that the service issues were complex, that his client was defrauded of a million dollars and wishes to vindicate his rights, that the delay is not the fault of Mr. Rose but rather that of counsel/counsel's office, Plaintiff is now prepared to obtain default judgments, Plaintiff will file motions for default judgment within a matter of days, and that this case should be finalized in the next 30 to 60 days. See Court's Docket Doc. No. 98. Plaintiff's counsel requests that the Court either discharge the order to show cause or refrain from ruling on

1 the matter for 60 days. See id. Additionally, Plaintiff's counsel obtained entries of default
2 against defendants Roger Fontaine and Bella Robles Corporation on September 9, 2011. See id.
3 at Doc. Nos. 99, 100.

4 In light of the new entries of default and Plaintiff's counsel's representations that he will
5 be pursuing default judgment very shortly and that this case will be concluding soon, the Court is
6 satisfied that the matter will be pursued and will go forward with adequate diligence. Therefore,
7 the Court will discharge the order to show cause.

8
9 Accordingly, IT IS HEREBY ORDERED that the September 2, 2011, order for Plaintiff
10 to show cause is DISCHARGED, based on Plaintiff's counsel's representations and time
11 estimates.

12
13 IT IS SO ORDERED.

14 Dated: September 9, 2011

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16 CHIEF UNITED STATES DISTRICT JUDGE