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

**DEBORAH CURTIS, an individual,** )  
 )  
 **Plaintiff,** )  
 )  
 v. )  
 )  
 **OPTION ONE MORTGAGE, CORP.,** )  
 **et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**1: 09 - CV - 1608 AWI SMS**  
**ORDER REQUIRING PLAINTIFF  
TO SHOW CAUSE WHY THIS  
ACTION SHOULD NOT BE  
DISMISSED FOR PLAINTIFF'S  
FAILURE TO PROSECUTE**

On July 31, 2009, Plaintiff filed a complaint in the Tulare County Superior Court. After being served with the complaint, on September 4, 2009, Defendants removed this action to this court.

On September 14, 2009, Defendant American Home Mortgage Servicing Inc. filed a motion to dismiss. On September 25, 2009, Defendant Option One Mortgage Corporation filed a motion to dismiss.

On October 6, 2009, Plaintiff filed a motion for leave to file an amended complaint.

On October 15, 2009, the court determined that it was unnecessary for Plaintiff to file a motion for leave to file an amended complaint because Plaintiff could amend once without leave of court. The court further found that once Plaintiff files the amended complaint, Defendants' motions to dismiss will become moot. The court ordered that Plaintiff's motion

1 for leave to amend the complaint was granted and the hearing dates on the pending motions  
2 were vacated.

3 A review of the record reveals that over thirty days have passed and Plaintiff has still  
4 not filed an amended complaint. A court may dismiss an action, with prejudice, based on a  
5 party's failure to prosecute an action or failure to obey a court order. Ferdik v. Bonzelet, 963  
6 F.2d 1258, 1260-61 (9<sup>th</sup> Cir. 1992).

7 Accordingly, Plaintiff is ORDERED to show cause in writing by December 7, 2009  
8 why this action should not be dismissed for Plaintiff's failure to prosecute.

9  
10 IT IS SO ORDERED.

11 **Dated: November 18, 2009**

**/s/ Anthony W. Ishii**  
CHIEF UNITED STATES DISTRICT JUDGE