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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENA CRISOTOMO CARINO; ALLAN
CRISTOPHER DIWA,

Plaintiffs,

v.

STANDARD PACIFIC CORP; STANDARD
PACIFIC MORTGAGE, INC. fka FAMILY
HOME LENDING, INC.; CHASE HOME
FINANCE LLC; HOMECOMINGS
FINANCIAL SERVICES LLC; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., HSBC BANK USA, as Trustee of
J.P.Morgan Alternative Loan Trust 2007-A-1
Mortgage Pass Through Certificates without
recourse; all persons currently unknown
claiming any legal or equitable right, title,
estate, lien or interest in the property described
in this complaint as the Trust Property adverse
to that claimed by Plaintiffs, and DOES ONE
through ONE HUNDRED, inclusive,

Defendants.

No. 2:09-cv-02005-KJM-AC

ORDER

In June 2014, the court dismissed all remaining defendants in this case except
Homecomings Services, LLC¹ (“Homecomings”), which at the time was subject to an automatic

¹ In their recent notice, Homecomings asserted they were erroneously sued as
“Homecomings Financial Services, LLC,” and that they are properly named “Homecomings
Financial, LLC.” Notice at 2.

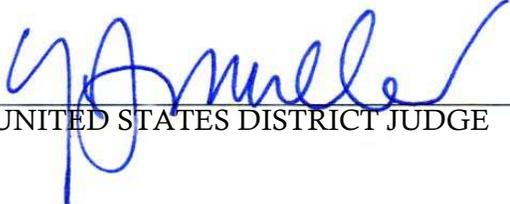
1 bankruptcy stay. ECF Nos. 24, 57–59. In February 2016, Homecomings filed a notice of the
2 bankruptcy court’s order requiring plaintiffs to “take all appropriate actions to dismiss their
3 monetary claims against [Homecomings] with prejudice.” Notice at 2, ECF No. 60; *id.* Ex. A
4 (Bankruptcy Order). This court then ordered plaintiffs to show cause why the court should not
5 lift the stay as to Homecomings and dismiss the action for plaintiffs’ failure to prosecute their
6 case. ECF No. 60. Although that response was due on July 5, 2017, plaintiffs have not
7 responded to the court’s order to show cause as of the date of this order. As a result, dismissal for
8 plaintiffs’ failure to prosecute their case is appropriate. *See* Fed. R. Civ. P. 41(b); *Hells Canyon*
9 *Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (explaining a court
10 may, *sua sponte*, dismiss for failure to prosecute under Rule 41(b)).

11 Accordingly, the court LIFTS the stay as to Homecomings and DISMISSES this
12 action with prejudice. This case is now closed.

13 This order resolves ECF No. 60.

14 IT IS SO ORDERED.

15 DATED: August 2, 2017.

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19 UNITED STATES DISTRICT JUDGE
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