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2
3 IN THE UNITED STATES DISTRICT COURT
4
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA

6 JERRI MILLER and ERIC MILLER,

No. C 08-0176 MEJ

7
8 Plaintiff(s),

9 vs.

**ORDER FOR CLERK OF COURT TO
REASSIGN CASE**

10 OPERADORA DE HOTELES VILLA
MEXICANA,

REPORT & RECOMMENDATION

11 Defendant(s).
12 _____/

13 On January 9, 2009, the Clerk of Court entered default against the defendant in the above-
14 captioned matter. (Dkt. #16.) Subsequently, on January 16, 2009, the Court vacated the scheduled
15 case management conference and ordered Plaintiffs Jerri Miller and Eric Miller to file a motion for
16 default judgment within 30 days. (Dkt. #17.) On February 27, 2009, having received no motion or
17 any other response from Plaintiffs, the Court ordered them to file a status report by March 9, 2009.
18 (Dkt. #19.) Plaintiffs also failed to comply with this order.

19 As their failure to respond was part of a repeated pattern of failing to comply with court
20 deadlines and failing to prosecute their case in general, (*see, e.g.* Dkt. ## 3, 10), the Court ordered
21 Plaintiffs to show cause why this case should not be dismissed for failure to prosecute and comply
22 with court deadlines. The Court ordered Plaintiffs to file a declaration by March 26, 2009, and
23 scheduled a hearing on April 2, 2009. Plaintiffs failed to file a declaration and failed to appear at the
24 April 2 hearing.

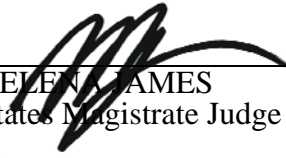
25 Based on this procedural history, the Court finds it appropriate to dismiss this case pursuant
26 to Federal Rule of Civil Procedure 41(b). Accordingly, because the parties have yet to consent to
27 the undersigned magistrate judge's jurisdiction, the Court hereby ORDERS the Clerk of Court to
28 reassign this case to a district court judge. The undersigned RECOMMENDS that the newly-

1 assigned judge dismiss this case for failure to prosecute and failure to comply with the Court's
2 deadlines and orders.

3 Pursuant to Federal Rule of Civil Procedure 72, any party may serve and file objections to
4 this Report and Recommendation within 10 days after being served.

5 **IT IS SO ORDERED.**

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7 Dated: April 2, 2009



8 MARIA-ELLEN JAMES
9 United States Magistrate Judge
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