

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RODNEY LOVE, et al.,
Plaintiff(s),

No. C 08-0223 MEJ

vs.

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

ELCO ADMINISTRATIVE SERVICES, et al.,
Defendant(s).

REPORT & RECOMMENDATION

On January 14, 2008, Defendant Claudia Noble-Livingston removed the above captioned-matter to this Court, and then filed a Motion to Dismiss on January 18, 2008. (Dkt. #6.) Since removal of the case, Plaintiffs Rodney Love and Rosie Lee Venson have made no appearances before this Court. On April 23, 2008, the Court issued an Order to Show Cause as to why the case should not be dismissed for failure to prosecute. (Dkt. #20.) Plaintiffs failed to respond to the April 23 Order, and they failed to appear at the May 15, 2008 Order to Show Cause hearing. Accordingly, pursuant to Civil Local Rule 41(b), the Court finds it appropriate to dismiss this action for failure to prosecute. However, as the undersigned magistrate judge has been unable to obtain Plaintiffs' consent to proceed before a magistrate judge, the Court ORDERS that this matter be reassigned to a United States District Judge and RECOMMENDS that the newly-assigned judge dismiss this matter for failure to prosecute.

IT IS SO ORDERED AND RECOMMENDED.

Dated: October 30, 2008



MARIA-LENA JAMES
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RODNEY LOVE et al,

Case Number: CV08-00223 MEJ

5 Plaintiff,

CERTIFICATE OF SERVICE

6 v.

7 ELCO ADMINISTRATIVE SERVICES et al,

8 Defendant.
_____ /

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on October 30, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Rodney Love
16 Rosie Lee Venson
17 2193 48th Avenue
18 Oakland, CA 94601

Dated: October 30, 2008

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk