

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

SERGIO B. CORDOVA,  
Plaintiff(s),

vs.

AMERICA'S SERVICING CO.,  
Defendant(s).

No. C 08-5728 MEJ

**ORDER VACATING HEARING RE:  
DEFENDANT'S MOTION TO DISMISS  
ORDER TO SHOW CAUSE**

Defendant America's Servicing Complanly's Motion to Dismiss, filed December 30, 2008, is currently scheduled for a hearing on February 12, 2009. Pursuant to Civil Local Rule 7, Plaintiff Sergio B. Cordova's opposition to the motion was due by January 22, 2009. However, Plaintiff failed to file any opposition. Further, on January 5, 2009, the Court ordered the parties to consent or decline the undersigned magistrate judge's jurisdiction, you Plaintiff failed to file a response. Accordingly, the Court hereby VACATES the February 12, 2009 hearing date. Further, the Court hereby ORDERS Plaintiff to show cause why this case should not be dismissed for failure to prosecute and comply with court deadlines. Plaintiff shall file a declaration by February 12, 2009, and the Court shall conduct an order to show cause hearing on February 26, 2009 at 10:00 a.m. in Courtroom B, 15 th Floor, 450 Golden Gate Avenue, San Francisco, California.

**IT IS SO ORDERED.**

Dated: January 27, 2009

  
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MARIA ELENA JAMES  
United States Magistrate Judge

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

4 SERGIO B. CORDOVA,

5 Plaintiff,

6 v.

7 AMERICA'S SERVICING COMPANY et al,

8 Defendant.  
9 \_\_\_\_\_/

Case Number: CV08-05728 MEJ

**CERTIFICATE OF SERVICE**

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

13 That on January 27, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
16 in the Clerk's office.

16 Homan Mobasser  
17 M.W. Roth, PLC  
18 13245 Riverside Drive  
19 Suite 320  
20 Sherman Oaks, CA 91423

20 Scott Mark Gitlen  
21 M.W. Roth, PLC  
22 13245 Riverside Drive  
23 Suite 510  
24 Sherman Oaks, CA 91423

23 Dated: January 27, 2009

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