

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

TONY A LUCERO,  
Plaintiff,

No. C 09-02879 CRB

**ORDER DISMISSING CASE**

v.

AMERICAN HOME MORTGAGE,  
Defendant.

A hearing was held today on Defendants' Motion to Dismiss the First Amended Complaint in this action. Plaintiff did not appear, and has provided no explanation for his absence. In August 2009, Plaintiff failed to oppose an earlier motion to dismiss, and failed to communicate with the Court, resulting in a show cause order. As this is now the second such incident, Plaintiff's case is DISMISSED for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41. Plaintiff shall have twenty (20) days from the date of this Order in which to amend his Complaint, if he wishes to do so. Failure to do so will result in the dismissal of Plaintiff's action with prejudice.

**IT IS SO ORDERED.**

Dated: January 8, 2010



CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE