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

SUNNY SIMEON DALAN and THELMA DALAN,

Plaintiffs,

v.

RECONTRUST COMPANY, ET AL.,

Defendants.

No. C 09-05709 JSW

ORDER OF DISMISSAL

On December 18, 2009, this Court issued an order requiring Plaintiffs to file an opposition to Defendants' pending motion to dismiss and to expunge lis pendens by no later than January 7, 2010. No such opposition was filed. Accordingly, on January 12, 2010, this Court issued an order to show cause to Plaintiffs why this case should not be dismissed for failure to prosecute requiring a written response by no later than January 22, 2010. Plaintiffs were admonished that failure to respond to the Order to Show Cause would result in a dismissal of this action, without prejudice, for failure to prosecute.

The Court has not received a response to its Order nor has it received an opposition to the pending motion to dismiss and to expunge lis pendens. Accordingly, the Court GRANTS the motion to expunge the lis pendens on the real property located at 58 Renwood Lane, American Canyon, California 94503, Assessor's Parcel No. 059-326-002 with legal description:

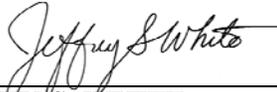
LOT 146, as shown on the map entitled "Amended Map Scally Ranch Unit 1" filed April 8, 2004 in Book 24 of Maps, page(s) 36-57, in the office of the County Recorder of Napa County

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Furthermore, this action is dismissed without prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: February 17, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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

5 SUNNY SIMEON DALAN et al,
6 Plaintiff,

Case Number: CV09-05709 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

9 RECONTRUST COMPANY et al,
10 Defendant.

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

13 That on February 17, 2010, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
16 inter-office delivery receptacle located in the Clerk's office.

17 Sunny Simeon Dalan
18 58 Renwood Lane
19 American Canyon, CA 94503

20 Thelma Dalan
21 58 Renwood Lane
22 American Canyon, CA 94503

23 Dated: February 17, 2010


24 Richard W. Wieking, Clerk
25 By: Jennifer Ottolini, Deputy Clerk
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