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

J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

No. C 10-01810 JSW

v.

ROMARICO SALVADOR. MIRANDA, et al.,

ORDER TO SHOW CAUSE

Defendants.

By Order dated September 8, 2010, the Court referred Plaintiff's Motion for Default Judgment to a randomly assigned United States Magistrate Judge for report and recommendation pursuant to Northern District Civil Local Rule 72-1. The matter was referred to Magistrate Judge Donna M. Ryu. Judge Ryu held a hearing on Plaintiff's motion on December 9, 2010, and entered a Report and Recommendation on Plaintiff's motion on December 10, 2010. Notice of the Report and Recommendation was electronically mailed to Plaintiff's counsel by the Court's Electronic Case Filing system on December 10, 2010. Pursuant to Rule 72(a) of the Federal Rules of Civil Procedure and Civil Local Rule 72(a), Plaintiff's objections to the Report and Recommendation were due by December 27, 2010.

Plaintiff did not file timely objections to the Report and Recommendation. Rather, on December 22, 2010, Plaintiff filed a notice of withdrawal of the Application for Default Judgment. Doc. No. 26. Plaintiff further filed a notice to withdraw the declaration of Plaintiff's counsel regarding attorneys' fees and costs. Doc. No. 27. Plaintiff did not seek leave of the Court to withdraw a motion that had been submitted for decision. Nor did Plaintiff provide any

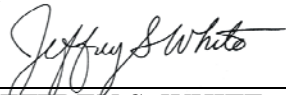
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explanation in these notices to support good cause for withdrawing either the motion or declaration.

Therefore, the Court HEREBY ORDERS Plaintiff to show cause in writing by no later than January 20, 2011, why this case should not be dismissed without prejudice for failure to prosecute pursuant to Rule 41(b). The Court notes that Plaintiff's conduct in withdrawing the motion for default judgment after entry of a report and recommendation has questionable validity and strikes the Court as taking advantage of the defaulting defendant's failure to appear.

IT IS SO ORDERED.

Dated: January 6, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE