

E-Filed 12/3/10

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 ALFONSO MIRA, et al.,

No. C 10-3394 RS

12
13 Plaintiffs,

ORDER OF DISMISSAL

14 v.

15 GMAC MORTGAGE, et al.,

16 Defendants.
17 _____/

18 On October 13, 2010, this Court dismissed plaintiffs' Complaint in its entirety for failure to
19 plead a claim for relief. Save for plaintiffs' sixth claim, the Miras were afforded leave to amend. In
20 the interest of managing its civil docket, the Court imposed a filing deadline of thirty days. The
21 Miras were warned that failure to file an amended complaint in a timely fashion would result in
22 dismissal with prejudice on the merits (consistent with the analysis set forth in the October 13
23 Order), and dismissal on the additional ground of failure to prosecute. The Order explained that the
24 Court would also be obligated to grant defendant's motion to expunge plaintiffs' lis pendens in the
25 event it dismissed plaintiffs' real property claims with prejudice.

26 The filing deadline has passed, and yet the Miras have neither filed an amended complaint
27 nor any documents that might suggest some intent to participate in this litigation. Accordingly, the
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No. C 10-3394 RS
ORDER

1 Mira's claims shall be dismissed with prejudice and defendant's motion to expunge the lis pendens
2 shall be granted. All hearing dates are vacated.

3 IT IS SO ORDERED.

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5 Dated: 12/3/2010



6 RICHARD SEEBORG
7 UNITED STATES DISTRICT JUDGE

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