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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY J. MORENO and PATRICIA C.
MORENO,

No. C 10-03445 JSW

Plaintiffs,

v.

**ORDER OF DISMISSAL OF
ENTIRE ACTION**

GUARANTY BANK, ROUNDPOINT
MORTGAGE SERVICING CORPORATION,
and DOES 1-100, inclusive,

Defendants.

On November 9, 2010, this Court issued an order adopting the Report and Recommendation and dismissing defendant Roundpoint Mortgage Servicing Corporation (“Roundpoint”) without leave to amend.

In the same order, the Court noted that Plaintiffs had failed to prosecute this matter against both defendants and defendant Guaranty Mortgage Bank has failed to appear.¹ Accordingly, Plaintiffs were ordered to show cause, in writing, why this case should not be dismissed in its entirety for failure to prosecute. The Court required that Plaintiffs’ response to this Order to Show Cause be filed with the Court and served on Defendant Guaranty Mortgage Bank by no later than November 24, 2010. Plaintiffs were advised that failure to respond to the Order to Show Cause shall result in a dismissal of this action for failure to prosecute.

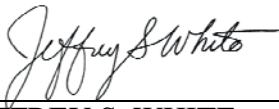
¹ The Court notes the representation from Defendant Roundpoint that “[a]s Co-Defendant “Guaranty Bank is financially insolvent and under receivership from the FDIC [Federal Deposit Insurance Corporation], Defendant is unaware if Guaranty Bank has received or been served with the summons and Complaint in this Action.” (Notice of Removal at 4.)

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Having not received any response from Plaintiffs, the Court HEREBY DISMISSES this entire action. The Clerk may close the file.

IT IS SO ORDERED.

Dated: December 3, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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

5 ANTHONY J MORENO et al,
6 Plaintiff,

Case Number: CV10-03445 JSW

7 **CERTIFICATE OF SERVICE**

8 v.

9 GUARANTY BANK 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 December 3, 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 Anthony J. Moreno
18 322 Oak Tree Drive
19 Santa Rosa, CA 95401

20 Patricia C. Moreno
21 322 Oak Tree Drive
22 Santa Rosa, CA 95401

23 Dated: December 3, 2010



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