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United States District Court  
For the Northern District of California

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

MICHAEL HERNANDEZ JR.,  
Plaintiff,

No. C 11-02762 WHA

v.

WHOLESALE AMERICA MORTGAGE,  
INC., MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., J.P.  
MORGAN CHASE BANK, N.A., and  
CALIFORNIA RECONVEYANCE  
COMPANY,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF  
MAGISTRATE JUDGE AND  
DISMISSING ACTION FOR  
FAILURE TO PROSECUTE AND  
FAILURE TO COMPLY WITH  
COURT DEADLINES AND ORDERS**

Defendants.

The undersigned judge has reviewed Magistrate Judge Maria-Elena James' report and recommendation regarding plaintiff's failure to prosecute this action, including his failure to comply with court deadlines and orders and there being no indication that defendants were served. The period to object to the report has passed. No objection was made. As discussed in the report, there was no indication that plaintiff served the named defendants, plaintiff failed to file a case status report, and plaintiff failed to respond to the magistrate judge's order to show cause why the case should not be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

The case was reassigned to the undersigned judge on December 20, 2011. An order to show cause issued why the plaintiff had not timely served defendants and why the case should not be dismissed for failure to prosecute. A response was due January 30, 2012. None was received.

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This order **ADOPTS** in full the report and recommendation of Magistrate Judge James. Thus, this action is **DISMISSED** for failure to prosecute and failure to comply with Magistrate Judge James' and this Court's deadlines and orders. The Clerk shall **CLOSE THE CASE FILE**.

**IT IS SO ORDERED.**



Dated: February 1, 2012.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE