

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALICIA G. ATIENZA, *et al.*,  
Plaintiffs,

No. C-11-3153 EMC

v.

**ORDER DISMISSING CASE**

WELLS FARGO, *et al.*,  
Defendants.


On October 27, 2011, the Court issued an Order to Show Cause why this case should not be dismissed without prejudice against U.S. Bancorp for failure to serve pursuant to Rule 4 of the Federal Rules of Civil Procedure. Docket No. 19. Rule 4(m) provides that “[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant.” The Court gave notice to Plaintiffs that absent proof of service or good cause, the Court would dismiss the action.

Plaintiffs were instructed to file their response to the Court’s Order to Show Cause no later than November 10, 2011. Plaintiffs have failed to respond. Accordingly, the Court hereby **DISMISSES** the action as against Defendant U.S. Bancorp without prejudice.

Because U.S. Bancorp is the only defendant remaining in this action, the Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: November 23, 2011

  
EDWARD M. CHEN  
United States District Judge