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

EDUARDO BERNARDINO and ANA  
BERNARDINO,

No. C 11-03738 SI

Plaintiffs,

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE**

v.

WELLS FARGO BANK, et al.,

Defendants.

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On August 31, 2011, defendant Kondaur Capital Corporation filed a motion to dismiss pro se plaintiffs' amended complaint. On September 14, 2011, defendant Wells Fargo Bank, N.A. joined defendant Kondaur Capital Corporation's motion to dismiss. The motion is scheduled for a hearing on October 7, 2011. Pursuant to Civil Local Rule 7-3(a), plaintiffs' opposition was due by September 14, 2011. Plaintiffs have not yet filed an opposition, nor have they communicated in any way with the Court concerning these matters.<sup>1</sup>

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Plaintiffs are hereby **ORDERED TO SHOW CAUSE in writing to be filed no later than October 7, 2011**, why this case should not be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. Proc. 41(b). Plaintiffs are notified that an inadequate or untimely response will result in dismissal. The October 7, 2011 hearing on defendants' motion to dismiss is VACATED, and will be rescheduled if necessary.

**IT IS SO ORDERED.**

Dated: September 28, 2011




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SUSAN ILLSTON  
United States District Judge

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<sup>1</sup> In addition, defendant First American Lonestar Trustee has filed a motion to dismiss, set for hearing on October 28, 2011. Plaintiffs' opposition to that motion will be due October 4, 2011.