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UNITED STATES DISTRICT COURT  
Northern District of California

EDUARDO ALGUERA,

No. C 11-4693 MEJ

Plaintiff,

**ORDER TO SHOW CAUSE**

v.

US BANK, et al.,

Defendants.

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Pending before the Court is Plaintiff Eduardo Alguera's in forma pauperis application, filed on September 21, 2011. Dkt. No. 2. In his application, Plaintiff declares under penalty of perjury that he has no source of income and that he does not receive any type of federal or state welfare or social security payments. However, he also declares that he has \$765 in monthly expenses. Plaintiff states that \$600 of his monthly expenses are applied to rent, yet he also states that he owns a home with an estimated market value of \$236,000 and a mortgage in the amount of \$6,300. As Plaintiff's financial situation is unclear from his application, the Court ordered him to file a declaration by October 10, 2011, addressing the following issues:

- 1) What source of income is used to pay the \$765 in monthly expenses? If the expenses are paid from any type of savings and/or investments, what is the total value of those savings and/or investments? If the expenses are paid by another person, what is Plaintiff's relationship to that person?
- 2) Does Plaintiff own or rent the home in which he lives?
- 3) Plaintiff owns a home with an estimated market value of \$236,000 and a mortgage in the amount of \$6,300. Is the \$6,300 figure the monthly payment owed or the total

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amount of the mortgage? If it is the total, what is the monthly payment and who pays it?

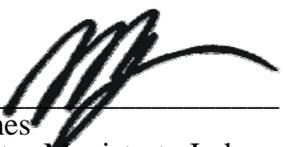
Dkt. No. 5. Plaintiff has failed to respond.

In addition, the Court ordered Plaintiff to inform the Court by October 10, 2011 whether he consents to magistrate judge jurisdiction or requests reassignment to a United States District Judge for trial. Dkt. No. 4. Plaintiff failed to respond to this Order as well.

Based on Plaintiff's inaction, the Court hereby ORDERS Plaintiff Eduardo Alguera to show cause why this case should not be dismissed for failure to prosecute and failure to comply with Court orders. Plaintiff shall file a declaration by October 27, 2011, and the Court shall conduct a hearing on November 10, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California.

**IT IS SO ORDERED.**

Dated: October 13, 2011

  
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Maria-Elena James  
Chief United States Magistrate Judge

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

EDUARDO ALGUERA

Plaintiff,

v.

US BANK

Defendant.

Case Number: 11-04693 MEJ

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 13, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eduardo Alguera  
3827 Kauai Drive  
San Jose, CA 95111

Dated: October 13, 2011

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk