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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 JOELLE MILLER,

No. C 12-477 SI

9 Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE**

10 v.

11 BANK OF NEW YORK, *et al.*,12 Defendants.
13 _____/

14 On March 20, 2012, this case was reassigned to the undersigned judge. On March 19, 2012,
15 Magistrate Judge James issued a Report and Recommendation recommending that the Court dismiss
16 this case pursuant to Federal Rule of Civil Procedure 41(b) based on plaintiff's failure to prosecute this
17 case and failure to comply with the Court's deadlines and orders. No party has filed a response to the
18 Report and Recommendation.

19 This Court has reviewed the Report and Recommendation, and the files and records in this case.
20 This Court, like Judge James, finds that dismissal is appropriate for failure to prosecute and failure to
21 comply with the Court's deadlines and orders. Accordingly, the Court hereby ADOPTS the Report and
22 Recommendation and DISMISSES this case without prejudice for failure to prosecute. *See* Fed. R. Civ.
23 Proc. 41(b). All pending motions are DENIED AS MOOT.

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25 **IT IS SO ORDERED.**26
27 Dated: April 3, 2012

28 SUSAN ILLSTON
United States District Judge