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

DAVID-WYNN, : MILLER, et al,

No. C 12-04907 SI

Plaintiffs,

v.

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

AMERICA'S WHOLESALE LENDER, et al.,

Defendants.

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On October 25, 2012, defendants filed a motion to dismiss. On the day that the opposition was due, the case was reassigned from a magistrate judge to this Court, and the deadlines were terminated. A new hearing was set for January 18, 2013, and the opposition was due December 21, 2012. Plaintiff did not file an opposition, nor did plaintiff request an extension of time.

**Accordingly, plaintiff is ORDERED TO SHOW CAUSE in writing no later than January 25, 2013, why this case should not be dismissed without prejudice for failure to prosecute.** See Fed. R. Civ. Proc. 41(b). If plaintiff does not respond, this action will be dismissed without prejudice. If plaintiff responds to this Order and wishes to proceed with this lawsuit, the Court will set a new briefing schedule and hearing date on defendant's motion to dismiss. The January 18, 2013 hearing date is VACATED.

**IT IS SO ORDERED.**

Dated: January 9, 2013

  
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SUSAN ILLSTON  
United States District Judge