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United States District Court
For the Northern District of California

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

MICHAEL CAPODIECE and
TERRY L. CAPODIECE,

Plaintiffs,

v.

WELLS FARGO BANK and DOES 1-5,

Defendants.

No. C 13-00032 WHA

**ORDER DISMISSING ACTION
FOR FAILURE TO PROSECUTE**

By order dated May 9, partial summary judgment was granted in favor of defendant Wells Fargo Bank, N.A., and the motion to dismiss was granted (Dkt. No. 34). The order stated that plaintiffs may seek leave to amend their complaint by filing a motion and attaching the new proposed pleading by May 30. The order further stated that “[i]f such motion is not filed by the deadline, this case will be closed and judgment entered” (*id.* at 10). On July 3, plaintiffs were ordered to show cause why the action should not be dismissed for failure to prosecute and judgment entered against them. Plaintiffs filed a response stating that they will not seek leave to file an amended complaint. Accordingly, the action is hereby **DISMISSED FOR FAILURE TO PROSECUTE**. Judgment will be entered by separate order.

IT IS SO ORDERED.

Dated: July 8, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE