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UNITED STATES DISTRICT COURT  
Northern District of California

MARCY ZAMORA and MARCOS  
ZAMORA,

No. C 13-134 MEJ

Plaintiffs,

**ORDER DISMISSING CASE FOR  
FAILURE TO PROSECUTE**

v.

WELLS FARGO BANK,

Defendant.

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On July 1, 2013, the Defendant in the above-captioned matter filed a Motion to Dismiss, with a noticed hearing date of August 8, 2013. Dkt. Nos. 22, 25. However, Plaintiffs Marcy and Marcos Zamora failed to file an opposition pursuant to Civil Local Rule 7. Accordingly, the Court ordered Plaintiffs to show cause by August 1, 2013 why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Dkt. No. 26. At that time, the Court gave notice to Plaintiffs that the Court may dismiss the case without a hearing if no responsive declaration is filed. Plaintiffs have failed to respond.

Under Federal Rule of Civil Procedure 41(b), failure to comply with a court order can warrant dismissal. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992). In “determining whether to dismiss a case for failure to comply with a court order, the district court must weigh five factors including ‘(1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.’” *Id.* at 1260-61 (quoting *Thompson v. Housing Auth.*, 782 F.2d 829, 831 (9th Cir. 1986)). Here, Plaintiffs failed to file an opposition to Defendant’s pending motion to dismiss, failed to comply with Court orders and deadlines, failed to respond to the order to show cause, and have made no appearance in this

1 matter since filing their amended complaint. Further, failure to follow a district court's local rules is  
2 a proper ground for dismissal. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Thus, the Court  
3 finds that the *Ferdik* factors weigh in favor of dismissal.

4 Accordingly, the Court hereby DISMISSES this case for failure to prosecute and failure to  
5 comply with the Court's deadlines and orders.

6 **IT IS SO ORDERED.**

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8 Dated: August 5, 2013

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Maria-Elena James  
United States Magistrate Judge

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