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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGER SANCHEZ, *et al.*,

No. C-13-0900 EMC

Plaintiffs,

v.

**ORDER RE DISMISSAL OF
DEFENDANT WELLS FARGO**

WELLS FARGO BANK, N.A., *et al.*,

Defendants.

_____ /

On April 1, 2013, this Court issued an order instructing Plaintiffs to show cause as to why their claims against Wells Fargo Bank, N.A. should not be dismissed for failure to prosecute. *See* Docket No. 19 (order to show cause). The Court gave Plaintiffs until April 8, 2013, to file a response and expressly warned Plaintiffs that a failure to file a timely response would lead to a dismissal of all claims against Wells Fargo, leaving only WSR23 World Savings Remic Trust (who appears not to have been served at this juncture) as the only defendant.

Plaintiffs failed to file a response to the order to show cause by April 8. **Accordingly, the Court hereby dismisses all claims against Wells Fargo based on Plaintiffs' failure to prosecute.** Plaintiffs are advised that, if they do not timely serve their complaint on the Trust, as required by Federal Rule of Civil Procedure 4(m), then their claims against the Trust may also be subject to dismissal. *See* Fed. R. Civ. P. 4(m) (providing that, "[i]f a defendant is not served within 120 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a

United States District Court
For the Northern District of California

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specified time”; adding that a court “must extend the time for service for an appropriate period” if the plaintiff is able to show “good cause for the failure [to serve]”).

IT IS SO ORDERED.

Dated: April 10, 2013



EDWARD M. CHEN
United States District Judge