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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 SAMUEL A. NUEZCA AND JUVY P.
NUEZCA,

13 Plaintiffs,

14 v.

15
16 CAPITAL ONE FINANCIAL CORP.,
DOES 1 – 100

17 Defendants.
18

Case No.: 3:13-cv-04081-JSC

**ORDER GRANTING DEFENDANT
CAPITAL ONE, N.A.'S MOTION TO
DISMISS THE COMPLAINT WITH
PREJUDICE (DKT. NO. 19.)**

19
20 On February 12, 2014, the Court dismissed Plaintiffs' UCL, Breach of Express
21 Agreement, Breach of Implied Agreement, and Declaratory Relief claims (collectively,
22 "remaining claims") without prejudice, and struck Plaintiffs' First Amended Complaint
23 because it was filed in violation of Federal Rule of Civil Procedure 15(a). (Dkt. No. 32 at 12-
24 13.) The Court ordered Plaintiffs to file any amended complaint within 20 days of the Order.
25 (*Id.*)

26 After Plaintiffs failed to timely file an amended complaint, the Court ordered Plaintiff
27 to show cause in writing by Wednesday, March 19, 2014, why the Court should not dismiss
28 Plaintiffs' remaining claims with prejudice and terminate the case. (Dkt. No. 35.) As of the

United States District Court
Northern District of California

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date of this Order Plaintiffs have not filed a response to the Court's Order to Show Cause and have not otherwise communicated with the Court. Accordingly, Plaintiffs' remaining claims are DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: March 20, 2014



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE