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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JAMIE J. MORRIS and KATIE MORRIS,

Plaintiffs,

vs.

BANK OF AMERICA, successor due to the  
acquisition of Countrywide Home Loans and  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION a/k/a FANNIE MAE,

Defendants.

Case No: C 09-2849 SBA

**ORDER TO SHOW CAUSE RE  
DISMISSAL**

Plaintiffs Jamie J. Morris and Katie Morris allege that Bank of America (as the successor to Countrywide Home Loans aka BAC Countrywide Home Loans Servicing LP) and Federal National Mortgage Association violated federal and state laws in connection with the financing of their home. On March 3, 2010, the Court granted in part and denied in part Defendants' motion to dismiss for failure to state a claim. In accordance with the Court's ruling, Plaintiffs filed a Second Amended Complaint on March 9, 2010.

On March 23, 2010, Defendants filed a motion to dismiss the Second Amended Complaint. The hearing on the motion to dismiss is scheduled for July 14, 2010. Under Civil Local Rule 7-3(a), any opposition or statement of non-opposition was due by June 23, 2010, which is twenty-one days prior to the hearing date. To date, no response to the motion to

1 dismiss has been filed by Plaintiffs. The failure to comply with the filing deadlines set by the  
2 Local Rules is grounds for dismissing an action under Federal Rule of Civil Procedure 41(b)  
3 for failure to prosecute. Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995). Accordingly,

4 IT IS HEREBY ORDERED THAT within **seven (7) days** of the date this Order is filed,  
5 Plaintiffs shall file a Certificate of Counsel to show cause why this case should not be dismissed  
6 for lack of prosecution under Rule 41(b). The Certificate shall set forth the nature of the cause, its  
7 present status, the reason it has not been brought to trial or otherwise terminated, any basis for  
8 opposing dismissal, and the expected course of the case if it is not dismissed. FAILURE TO  
9 FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS UPON  
10 WHICH TO DISMISS THE ACTION. Defendants' motion to dismiss (Docket 31) shall be held in  
11 abeyance pending Plaintiffs' submission of the Certificate of Counsel.

12 IT IS SO ORDERED.

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14 Dated: June 28, 2010

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

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