

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

ALFONSO MIRA and CARLA MIRA,  
individuals,

Plaintiffs,

vs.

AMERICAN HOME MORTGAGE  
SERVICING, INC., and DOES 1 through 10,  
inclusive,

Defendants.

Case No: C 10-1724 SBA

**ORDER TO SHOW CAUSE RE  
DISMISSAL**

Plaintiffs Alfonso and Carla Mira filed the instant mortgage fraud action in state court on March 5, 2010. On April 22, 2010, Defendant American Home Mortgage Servicing, Inc., removed the action to this Court, and filed a motion to dismiss on April 29, 2010. On May 3, 2010, the matter was reassigned to this Court, and the motion was scheduled for hearing on 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 dismiss has been filed by Plaintiffs. The failure to comply with the filing deadlines set by the Local Rules is grounds for dismissing an action under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Ghazali v. Moran, 46 F.3d 52, 54 (9th Cir. 1995). Accordingly,

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

9 IT IS SO ORDERED.

10  
11 Dated: June 28, 2010

  
SAUNDRA BROWN ARMSSTRONG  
United States District Judge

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28