

United States District Court
For the Northern District of California

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

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERNEST ALTMANN,

Plaintiff,

v.

INDYMAC FEDERAL BANK, ONE WEST BANK
et al.,

Defendants.

No. 10-03717 CW

ORDER DISMISSING
CASE FOR FAILURE
TO PROSECUTE

On August 20, 2010, this case was filed by pro se Plaintiff Ernest Altmann. Because no Defendant had appeared and Plaintiff had not filed proof that he had served any Defendant, on February 16, 2011, the Court ordered Plaintiff to file proof that he did serve Defendants or move for an extension of time for service, provided he had good cause to do so.

On February 23, 2011, Plaintiff submitted a declaration from attorney John W. Villines, who Plaintiff hired to represent him. Mr. Villines declared that he would serve corporate Defendants in no more than thirty days and he would serve the individual Defendant in no more than sixty days and requested additional time to do so. On March 4, 2011, the Court issued an order granting this request and stated that if Plaintiff failed to serve

1 Defendants within this time period, the case would be dismissed for
2 failure to prosecute.

3 On April 15, 2011, Plaintiff filed an amended complaint.
4 However, no Defendant has appeared and no proof of service has been
5 filed. Because Plaintiff has not complied with the Court's order
6 to serve Defendants, this case must be dismissed for failure to
7 prosecute.

8

9 IT IS SO ORDERED.

10

11 Dated: 6/23/2011

12



CLAUDIA WILKEN
United States District Judge

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28