

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

WILLIAM L. SMITH,
Plaintiff,
v.
GMAC MORTGAGE, LLC, et al.,
Defendants.

No. 10-04235 CW
ORDER DISMISSING
PLAINTIFF'S
CLAIMS AGAINST
DEFENDANTS GMAC
MORTGAGE AND ETS
SERVICES FOR
FAILURE TO
PROSECUTE AND
DENYING AS MOOT
GMAC MORTGAGE AND
ETS SERVICES'S
MOTION TO DISMISS
(Docket No. 10)

On October 21, 2010, Defendants GMAC Mortgage, LLC, and ETS Services, LLC, moved to dismiss Plaintiff William L. Smith's complaint. In the Court's Order of November 17, 2010, Plaintiff was warned that his claims against these Defendants would be dismissed for failure to prosecute if he failed to file an opposition to their motion by November 24, 2010. Plaintiff did not file an opposition.

Accordingly, Plaintiff's claims against Defendants GMAC Mortgage, LLC, and ETS Services, LLC, are dismissed without prejudice for failure to prosecute. Their motion is DENIED as moot. (Docket No. 10.)

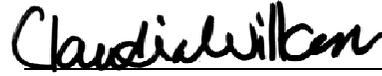
The remaining Defendants in this action are Innovative Mortgage, Vinson T. Lui and SBMC Mortgage. These Defendants have not appeared. Plaintiff has until January 18, 2011, which is 120 days after his case was removed from state court, to serve these Defendants. See 28 U.S.C. § 1448; Fed. R. Civ. P. 4(m). If, by

United States District Court
For the Northern District of California

1 January 21, 2011, these Defendants have not appeared or Plaintiff
2 has not filed proof that he has served these Defendants, his action
3 will be dismissed for failure to prosecute.

4 IT IS SO ORDERED.

5
6 Dated: 11/30/2010



CLAUDIA WILKEN
United States District Judge

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28